



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

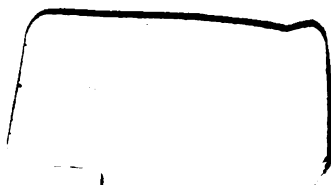
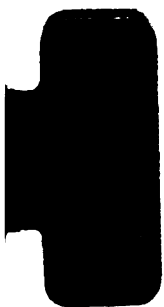
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
ONE HUNDRED AND TWENTY-EIGHTH SESSION
OF THE
LEGISLATURE,
BEGUN JANUARY FOURTH, 1905, AND ENDED MAY
FIFTH, 1905, IN THE CITY OF ALBANY.

VOL. I.



ALBANY:
J. B. LYON COMPANY, PRINTERS.
1905.

L 431
~~L 430~~

AUG 2 1929

VIA RAIL 1907

CERTIFICATE.

STATE OF NEW YORK,

OFFICE OF THE SECRETARY OF STATE,

ALBANY, July 1, 1905.

Pursuant to the directions of chapter 682, Laws of 1892, entitled "The Legislative Law," I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOHN F. O'BRIEN,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, three-fifths of all the members elected to either House thereof being present, pursuant to section 25 of article 3 of the Constitution of this State, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the Legislature, pursuant to section 15 of article 3 of the Constitution of this State, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the Legislature, pursuant to section 20 of article 3 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See "The Legislative Law," chapter 682, Laws of 1892, as amended by chapter 53, Laws of 1894.]

LIST OF OFFICERS.

"§ 45. Contents of published volumes of session laws—The Secretary of State shall annually cause * * * a statement of the names and residences of the Governor, Lieutenant-Governor, Senators and Members of Assembly and presiding officers of both Houses in office during each session * * * to be printed and bound. * * * " *Laws of 1892, Chap. 682, Sec. 45.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

FRANK WAYLAND HIGGINS.....*ALBANY, ALBANY COUNTY.

LIEUTENANT-GOVERNOR.

MATTHEW LINN BRUCE.....New YORK CITY.

CLERK OF THE SENATE.

JAMES S. WHIPPLE.....SALAMANCA, CATTARAUGUS COUNTY

SENATORS.

District.	NAME.	County.	Address.
1	Carl S. Burr, Jr.....	Suffolk.....	Commack.
2	Luke A. Keenan.....	Queens.....	Long Island City.
3	Thomas H. Cullen.....	Kings.....	Brooklyn.
4	John Drescher, Jr.....	Kings.....	Brooklyn.
5	James J. Kehoe.....	Kings.....	Brooklyn.
6	Frank J. Gardner.....	Kings.....	Brooklyn.
7	Patrick H. McCarren.....	Kings.....	Brooklyn.
8	Charles Cooper.....	Kings.....	Brooklyn.
9	Conrad Hasenflug.....	Kings.....	Brooklyn.
10	Daniel J. Riordan.....	New York.....	New York.
11	John C. Fitzgerald.....	New York.....	New York.
12	Samuel J. Foley.....	New York.....	New York.
13	Bernard F. Martin.....	New York.....	New York.
14	Thomas F. Grady.....	New York.....	New York.
15	Nathaniel A. Elsberg.....	New York.....	New York.
16	Peter J. Dooling.....	New York.....	New York.
17	Martin Saxe.....	New York.....	New York.
18	Jacob Marks.....	New York.....	New York.
19	Alfred R. Page.....	New York.....	New York.
20	James J. Frawley.....	New York.....	New York.
21	John A. Hawkins.....	New York.....	New York.

*Official residence.

LIST OF OFFICERS.

SENATORS—(Concluded).

District.	NAME.	County.	Address.
23	Francis M. Carpenter.....	Westchester.....	Mt. Kisco.
23	Louis F. Goodsell.....	Orange.....	Highland Falls.
24	Henry S. Ambler.....	Columbia.....	Chatham.
25	John N. Cordts.....	Ulster.....	Rondout.
26	Jotham P. Allds.....	Chenango.....	Norwich.
27	Spencer K. Warnick.....	Montgomery.....	Amsterdam.
28	Edgar T. Brackett.....	Saratoga.....	Saratoga Springs.
29	James B. McEwan.....	Albany.....	Albany.
30	William D. Barnes.....	Rensselaer.....	Brainard.
31	Spencer G. Prime.....	Essex.....	Upper Jay.
32	George R. Malby.....	St. Lawrence.....	Ogdensburg.
33	Walter L. Brown.....	Otsego.....	Oneonta.
34	Henry J. Coggeshall.....	Oneida.....	Waterville.
35	George H. Cobb.....	Jefferson.....	Watertown.
36	Horace White.....	Onondaga.....	Syracuse.
37	Francis H. Gates.....	Madison.....	Chittenango.
38	Harvey D. Hinman.....	Broome.....	Binghamton.
39	Benjamin Martin Wilcox.....	Cayuga.....	Auburn.
40	Owen Cassidy.....	Schoyler.....	Watkins.
41	William J. Tully.....	Steuben.....	Corning.
42	John Raines.....	Ontario.....	Canandaigua.
43	Merton E. Lewis.....	Monroe.....	Rochester.
44	William W. Armstrong.....	Monroe.....	Rochester.
45	Irving L'Hommedieu.....	Orleans.....	Medina.
46	Frederick C. Stevens.....	Wyoming.....	Attica.
47	Henry Wayland Hill.....	Erie.....	Buffalo.
48	Louis Fechter, Sr.....	Erie.....	Buffalo.
49	George Allen Davis.....	Erie.....	Buffalo.
50	Albert T. Fancher.....	Cattaraugus.....	Salamanca.

Speaker of the Assembly.

HON. S. FREDERICK NIXON.....Westfield, Chautauqua County.

Clerk of the Assembly.

HON. ARCHIE E. BAXTER.....Elmira, Chemung County.

MEMBERS OF ASSEMBLY.

District.	NAME.	County.	Address.
1	Charles W. Mead.....	Albany.....	Albany.
2	Abram S. Coon.....	Albany.....	Preston Hollow.
3	William V. Cooke.....	Albany.....	Albany.
4	William J. Grattan.....	Albany.....	Cohoes.
	Jesse S. Phillips.....	Allegany.....	Andover.
1	James T. Rogers.....	Broome.....	Binghamton.
2	Fred E. Allen.....	Broome.....	Whitney's Point.
1	Jasper E. Smith.....	Cattaraugus.....	Olean.
2	James C. Sheldon.....	Cattaraugus.....	Randolph.

LIST OF OFFICERS.

vii

MEMBERS OF ASSEMBLY—(Continued).

District.	NAME.	County.	Address.
1	Judson W. Hapeman.....	Cayuga	Cato.
2	J. Guernsey Allen.....	Cayuga	Moravia.
1	Arthur C. Wade.....	Chautauqua.....	Jamestown.
2	S. Frederick Nixon.....	Chautauqua.....	Westfield.
	Sherman Moreland.....	Chemung	Van Etten.
	Charles L. Carrier.....	Chenango	Sherburne.
	H. Wallace Knapp.....	Clinton	Mooers.
	Edward W. Scovill.....	Columbia	Hudson.
	Charles O. Newton.....	Cortland	Homer.
	James R. Cowan.....	Delaware.....	Hobart.
1	John T. Smith.....	Dutchess.....	Fishkill-on-Hudson
2	Augustus B. Gray.....	Dutchess.....	Poughkeepsie.
1	Charles J. Quinn.....	Erie	Buffalo.
2	Robert Lynn Cox.....	Erie	Buffalo.
3	Frank S. Burzynski.....	Erie	Buffalo.
4	William C. Tenjost.....	Erie	Buffalo.
5	Charles F. Brooks.....	Erie	Buffalo.
6	Frank W. Standart.....	Erie.....	Buffalo.
7	John K. Patton.....	Erie.....	Tonawanda.
8	Luther J. Shuttleworth.....	Erie.....	Springville.
	Frank C. Hooper.....	Essex	North River.
	Charles R. Matthews.....	Franklin	Bombay.
	Frank C. Wood.....	Fulton and Hamilton	Gloversville.
	S. Percy Hooker.....	Genesee.....	Le Roy.
	William C. Brady.....	Greene.....	Athens.
	Abram B. Steele.....	Herkimer.....	Herkimer.
1	Albert Foster.....	Jefferson.....	Dexter.
2	J. Frank Le Rue.....	Jefferson.....	Philadelphia.
1	Thomas O'Neill.....	Kings.....	Brooklyn.
2	John McKeown.....	Kings.....	Brooklyn.
3	Thomas P. Reilly.....	Kings.....	Brooklyn.
4	Charles H. Cotton.....	Kings.....	Brooklyn.
5	Otto G. Foelker.....	Kings.....	Brooklyn.
6	Charles J. Dodd.....	Kings.....	Brooklyn.
7	Michael J. Grady.....	Kings.....	Brooklyn.
8	James A. Thompson.....	Kings.....	Brooklyn.
9	James J. Byrne.....	Kings.....	Brooklyn.
10	Charles F. Murphy.....	Kings.....	Brooklyn.
11	William S. Shanahan.....	Kings.....	Brooklyn.
12	Oscar L. Thonet.....	Kings.....	Brooklyn.
13	Thomas F. Mathews.....	Kings.....	Brooklyn.
14	George W. Kavanaugh.....	Kings.....	Brooklyn.
15	Harry H. Dale.....	Kings.....	Brooklyn.
16	Richard C. Perry.....	Kings.....	Brooklyn.
17	Edward C. Dowling.....	Kings.....	Brooklyn.
18	Charles H. Fuller.....	Kings.....	Brooklyn.
19	John Wolf.....	Kings.....	Brooklyn.
20	William H. Pendry.....	Kings.....	Brooklyn.
21	Charles H. Francisco.....	Kings.....	Brooklyn.
	H. E. Slocum.....	Lewis.....	Beaver Falls.
	J. W. Wadsworth, Jr.....	Livingston.....	Mt. Morris.
	Robert J. Fish.....	Madison.....	Oneida.
1	Dewitt C. Becker.....	Monroe.....	Fairport.
2	Charles E. Ogden.....	Monroe.....	Rochester.
3	Charles E. Callahan.....	Monroe.....	Rochester.

MEMBERS OF ASSEMBLY—(Continued).

District.	NAME.	County.	Address.
4	Albert P. Beebe.....	Monroe	Barnards.
	William B. Charles.....	Montgomery	Amsterdam.
1	Thomas B. Caughlan.....	New York	New York.
2	Alfred E. Smith.....	New York	New York.
3	Richard J. Malloy.....	New York	New York.
4	William H. Burns.....	New York	New York.
5	Leslie J. Tompkins.....	New York	New York.
6	Charles Anderson.....	New York	New York.
7	Peter P. Sherry.....	New York	New York.
8	Louis Freidel.....	New York	New York.
9	Patrick H. Bird.....	New York	New York.
10	Frederick J. Etzel.....	New York	New York.
11	John J. Sammon.....	New York	New York.
12	Edward Rosenstein.....	New York	New York.
13	John C. Hackett.....	New York	New York.
14	Albert C. Wiegand.....	New York	New York.
15	Thomas J. McManus.....	New York	New York.
16	Gustave Hartman.....	New York	New York.
17	Michael J. Sheehy.....	New York	New York.
18	Edward B. La Petra.....	New York	New York.
19	Mervin C. Stanley.....	New York	New York.
20	Peter L. Fitzsimons.....	New York	New York.
21	William Young.....	New York	New York.
22	William H. Hornidge.....	New York	New York.
23	Richard H. Smith.....	New York	New York.
24	James J. Nugent.....	New York	New York.
25	Ezra P. Prentice.....	New York	New York.
26	Michael J. Machacek.....	New York	New York.
27	George B. Agnew.....	New York	New York.
28	Emanuel S. Cahn.....	New York	New York.
29	Frederic E. Perham*.....	New York	New York.
30	Robert F. Wagner.....	New York	New York.
31	Joseph Beihlf.....	New York	New York.
32	Leopold Prince.....	New York	New York.
33	Jacob E. Salomon.....	New York	New York.
34	William J. Ellis.....	New York	New York.
35	Peter J. Everett.....	New York	New York.
1	George F. Thompson.....	Niagara	Middleport.
2	John H. Leggett.....	Niagara	Niagara Falls.
1	Henry L. Gates.....	Oneida	Utica.
2	Jay H. Pratt.....	Oneida	Verona.
8	John C. Evans.....	Oneida	Rome.
1	Frank X. Wood.....	Onondaga	Marcellus.
2	Edward Schoeneck.....	Onondaga	Syracuse.
3	Martin L. Cadin.....	Onondaga	Syracuse.
4	Fred W. Hammond.....	Onondaga	Syracuse.
	Jean L. Burnett.....	Ontario	Canandigua.
1	William G. Hastings.....	Orange	Newburgh.
2	Louis Bedell.....	Orange	Goshen.
	Henry V. Wilson.....	Orleans	Waterport.
1	Thomas D. Lewis.....	Oswego	Fulton.
2	Fred. G. Whitney.....	Oswego	Pulaski.
	Deloss E. Bass.....	Otsego	Leonardsville.
	John R. Yale.....	Putnam	Brewster.
1	Joseph Sullivan.....	Queens.....	Corona.

LIST OF OFFICERS.

ix

MEMBERS OF ASSEMBLY—(Concluded).

District.	NAME.	County.	Address.
2	Theo. P. Wilsnack.....	Queens.....	Richmond Hill
8	William G. Miller.....	Queens and Nassau..	Freeport.
1	Frank L. Stevens.....	Rensselaer	Hoosick Falls.
2	William V. Donovan.....	Rensselaer	Troy.
3	Calvin A. Gardner.....	Rensselaer	South Schodack.
	A. J. B. Wedemeyer.....	Richmond	Stapleton.
	Matthew Hurd.....	Rockland.. ..	Stony Point.
1	Charles S. Plank*.....	St. Lawrence.....	Waddington.
2	Edwin A. Merritt, Jr.....	St. Lawrence.....	Potsdam.
	George H. Whitney.....	Saratoga	Mechanicville.
	William W. Wemple.....	Schenectady	Schenectady.
	George M. Palmer.....	Schoharie	Cobleskill.
	John W. Gurnett.....	Schuyler	Watkins.
	William J. Maier.....	Seneca	Seneca Falls.
1	Frank C. Platt.....	Steuben.....	Painted Post.
2	Jerry E. B. Santee.....	Steuben.....	Hornellsville.
1	Willis A. Reeve.....	Suffolk	Patchogue.
2	Orlando Hubbs.....	Suffolk.....	Central Islip.
	Edward Bisland.....	Sullivan.....	Glen Spey.
	Edwin S. Hanford.....	Tioga	Waverly.
	George E. Monroe.....	Tompkins	Dryden.
1	Charles T. Coutant.....	Ulster.....	Kingston.
2	William D. Cunningham ..	Ulster.....	Ellenville.
	William R. Waddell.....	Warren	North Creek.
	James S. Parker.....	Washington.....	Salem.
	Addison P. Smith.....	Wayne	Savannah.
1	George N. Rigby.....	Westchester	Yonkers.
2	J. M. Wainwright.....	Westchester	Rye.
8	James K. Appar.....	Westchester	Peekskill.
	Elmer E. Charles.....	Wyoming	Warsaw.
	Leonidas D. West.....	Yates	Dundee.

* Deceased.

LAWS

OF THE

STATE OF NEW YORK.

PASSED AT THE ONE HUNDRED AND TWENTY-EIGHTH REGULAR SESSION OF THE LEGISLATURE, BEGUN THE FOURTH DAY OF JANUARY, 1905, AND ENDING THE FIFTH DAY OF MAY, 1905, AT THE CITY OF ALBANY.

Chap. 1.

AN ACT to legalize bonds of the village of Goshen, Orange county, New York, to be issued for the purpose of enlarging, increasing, extending, improving, maintaining and purifying the water supply of said village and in purchasing and laying new and improved water mains and to legalize all proceedings in relation thereto including the resolution submitted by the board of trustees of said village to its qualified electors at the annual election held in said village on the eighteenth day of March, nineteen hundred and two, and to provide for the payment of said bonds.

Became a law, January 31, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The proceedings of the board of trustees of the village of Goshen had at an adjourned stated meeting of said board on the third day of March, nineteen hundred and two, in relation to borrowing on the credit of said village a sum not exceeding thirty thousand dollars and to issue the bonds of said village therefor and to expend the money so borrowed, or so much thereof as might be necessary, in defraying the expenses of enlarging, increasing, extending, improving, maintaining and puri-

Proceedings
of board of
trustees
legalized.

Proposition
to issue
bonds for
water pur-
poses legal-
ized.

fyng the water supply of said village and in purchasing and laying new and improved water mains and all other proceedings had by said board of trustees in any way relating thereto, are hereby legalized, ratified, approved and confirmed. The proposition voted for and the resolution adopted at the annual tax meeting of the qualified electors held in and for the said village on the eighteenth day of March, nineteen hundred and two, to authorize the board of trustees of the village of Goshen to borrow on the faith and credit of the village of Goshen a sum not exceeding thirty thousand dollars and to issue the bonds of said village therefor from time to time as the same should be needed for the purpose of defraying the expenses of enlarging, increasing, extending, improving, maintaining and purifying the water supply of said village and in purchasing and laying new and improved water mains, and payable at such time or times as said board should determine in conformity to the provisions of law applicable thereto, are hereby legalized, ratified, approved and confirmed, as well as all proceedings had in relation thereto prior to and including said annual tax meeting and notwithstanding the omission of any lawful requirement of said resolution submitted to and adopted by the tax payers of said village. The board of trustees of said village are hereby authorized to advertise, sell and issue the said bonds pursuant to the provisions of section one hundred and twenty-nine and one hundred and thirty of the general village law, the same to be payable by their terms at such time or times within the limitations prescribed by said section one hundred and twenty-nine as said board shall determine and when so advertised, sold and issued, the same are hereby declared to be legal and valid obligations of said village of Goshen and each and every act of said village and said board of trustees heretofore done, undertaken or begun in pursuance of the object of or any object of this act are and each of them is hereby ratified, approved and declared valid.

Tax levy
to pay
bonds.

§ 2. The board of trustees of the said village of Goshen in the manner provided by law shall cause such tax to be levied and collected as may be necessary to pay the principal and interest of said bonds as the same become due and until the said bonds and the interest thereon are fully paid.

§ 3. This act shall take effect immediately.

Chap. 2.

AN ACT to amend chapter forty-five of the laws of nineteen hundred, entitled "An act to extend the time within which The Buffalo, Gardenville and Ebenezer railway shall finish its road and put it in operation beyond its present construction and operation," in relation to the time limitation.

Became a law, February 7, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of chapter forty-five of the laws of nineteen hundred is hereby amended to read as follows: An act to extend the time within which The Buffalo Southern Railway Company shall finish its road and put it in operation beyond its present construction and operation. Title amended.

§ 2. Section one of such act is hereby amended to read as follows:

§ 1. The time within which The Buffalo Southern Railway Company shall finish its road and put it in operation, beyond its present construction and operation, is hereby extended for seven years from and after the tenth day of February, nineteen hundred, and no prejudice to the corporate existence and powers of the company under its charter or articles of association shall arise on account of its non-completion or operation of the road within the time prescribed by law. Time to construct road extended.

§ 2. This act shall take effect immediately.

Chap. 3.

AN ACT to provide for the compensation and expenses for the legislative session of nineteen hundred and five, of persons appointed to draft, examine and revise bills.

Became a law, February 7, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, for the compensation. Appropriation.

tion and expenses during the legislative session of nineteen hundred and five, of persons appointed under section twenty-three of the legislative law, to draft, examine and revise bills. Such compensation and expenses shall be paid by the treasurer on the warrant of the comptroller, on the order of the temporary president of the senate and the speaker of the assembly.

§ 2. This act shall take effect immediately.

Chap. 4.

AN ACT to legalize the bonds of the village of Alfred, in the county of Allegany, to be issued for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village and to legalize all proceedings in relation thereto, including the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the seventeenth day of September, nineteen hundred one and also the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the thirty-first day of August, nineteen hundred three, and to provide for the payment of said bonds.

Became a law, February 9, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings
of board of
trustees
legalized.

Section 1. The proceedings of the board of trustees of the village of Alfred, New York, had at a meeting of said board on the eleventh day of August, nineteen hundred one, in relation to borrowing on the credit of said village a sum not to exceed fifteen thousand dollars, and to issue the bonds of said village therefor and to expend the money so borrowed in defraying the expenses of constructing a system of water works to supply pure water for domestic and fire purposes for said village, and the proceedings of the board of trustees of said village of Alfred had at a meeting of said board on the sixth day of August, nineteen hundred three, in relation to borrowing on the credit of said village the sum of thirteen thousand dollars or so much thereof as may be needed in addition to the sum of fifteen thousand dollars here-

tofore authorized for the purpose of constructing a water works system in said village and all other proceedings had by said board of trustees in any way relating thereto are hereby legalized, ratified and confirmed. The proposition voted for and the resolution adopted at a special election of the qualified electors held in and for the said village on the seventeenth day of September nineteen hundred one to authorize the board of trustees of the village of Alfred to borrow on the credit of the village of Alfred a sum not exceeding fifteen thousand dollars, and to issue the bonds of said village therefor, for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village, and the proposition voted for and the resolution adopted at a special election of the qualified electors held in and for said village on the thirty-first day of August, nineteen hundred three to authorize the board of trustees to borrow the sum of thirteen thousand dollars or so much thereof as may be needed in addition to the sum of fifteen thousand dollars heretofore authorized for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village, and to issue the bonds of said village therefor and payable at such time or times as said board should determine in conformity to the provisions of law applicable thereto, are hereby legalized, ratified and confirmed, as well as all proceedings had in relation thereto prior to and including said special election, and notwithstanding the omission of any lawful requirement from said resolution submitted to and adopted by the taxpayers of said village. The board of trustees of said village are hereby authorized to advertise, sell and issue the said bonds pursuant to the provisions of sections one hundred twenty-nine and one hundred thirty of the general village law, the same to be payable by their terms at such time or times within the limitations prescribed by said section one hundred twenty-nine as said board shall determine, and when so advertised, sold and issued, the same are hereby declared to be legal and valid obligations of said village of Alfred, and each and every act of said village and said board of trustees heretofore done, undertaken or begun in pursuance of the objects of, or any object of this act, are, and each of them is ratified and declared valid.

Proposition
to issue
bonds
legalized.

Issue and
sale of
bonds.

§ 2. The board of trustees of the village of Alfred in the manner provided by law, shall cause such taxes to be levied and col-

Payment
of bonds.

lected as may be necessary to pay the principal and interest of said bonds as the same become due, until said bonds and the interest thereon are fully paid.

§ 3. This act shall take effect immediately.

Chap. 5.

AN ACT to legalize, ratify and confirm an issue of bonds of the village of Ilion, in the county of Herkimer, in the amount of twenty-five thousand dollars issued for the purpose of providing funds to enlarge, repair, improve and extend the electric light plant of said village; and to legalize the special election held on September thirteenth, nineteen hundred and four, and all proceedings connected therewith, under which said bonds are issued.

Became a law, February 13, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special
election
legalized.

Section 1. The special election held in the village of Ilion in the county of Herkimer on the thirteenth day of September, nineteen hundred and four, to vote upon and determine the question of issuing bonds of said village in the amount of twenty-five thousand dollars to provide funds for the purpose of enlarging, repairing, improving and extending the electric light plant of said village and which said bonds were by said special election authorized to be paid as follows, namely: the principal sum to be paid in twenty-five installments of one thousand dollars each, on the first day of June of each and every year, commencing on the first day of June, nineteen hundred and nine, with interest on all unpaid principal to be due and payable on the first day of June and the first day of December of each and every year after the issuance thereof at not to exceed four per centum per annum; at which election the proposition to issue said bonds received the affirmative vote of a majority of the tax paying electors voting thereat by ballot, shall be deemed to have been held on a proper and sufficient notice, conducted in the manner provided by law and the said

election and the proceedings had by the board of trustees precedent and subsequent thereto, in the matter of the issuance of said bonds in said amount bearing date December first, nineteen hundred and four, and sold for not less than the par value thereof, are hereby legalized, ratified and confirmed and said bonds made and declared to be valid and legally binding obligations of said village.

§ 2. That the proper officials of said village of Ilion be and they are hereby authorized and empowered to raise by taxation, each and every year during the life of said bonds, a sum of money sufficient to pay said bonds, principal and interest, as the same shall become due. Payment of bonds.

§ 3. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect. Proceedings not affected by this act.

Chap. 6.

AN ACT to amend chapter six hundred sixty-six of the laws of eighteen hundred ninety-three, entitled, "An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts," and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments.

Became a law, February 14, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of title four of chapter six hundred sixty-six of the laws of eighteen hundred ninety-three, entitled, "An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts," as amended by chapter one hundred thirty-one of the laws of eighteen hundred ninety-four, is hereby amended to read as follows:

§ 2. The treasurer.—The treasurer shall receive all moneys directed to be paid into the treasury of said corporation, and pay out the same, and shall render an account of the state of the finances to the trustees whenever ordered by them, and shall de-

liver all books, papers, and property of the corporation, in his hands, to his successor in office on demand; no money shall be paid by the treasurer for any purpose unless directed and appropriated by a previous vote of the trustees, upon a draft drawn by the clerk, countersigned by the president of the said village, for the time being, and the treasurer in his settlement with the trustees shall be allowed for no moneys paid out by him except such as are paid out as above, and he shall receive for his compensation, three hundred dollars, per annum, and no other fee, commission, or emolument whatever, which compensation shall be allowed him by said trustees on inspection of his accounts, if the same are found correct. It shall be the duty of the treasurer, in each and every year during the period in which he shall hold such office, to make a statement of his accounts, including all moneys received by him, and the manner in which he has expended or disbursed the same, which statement shall be verified by his oath, and published in the newspapers printed in said village and designated by the board, as prescribed by this act, for two weeks next preceding such annual election. All moneys paid to the said treasurer by order of any court, in the matter of laying out or opening street or highways, as prescribed in this act, shall be paid out by him to persons entitled to receive the same by said order, or upon the legal receipts of such persons in proper form, without the drafts of said clerk as aforesaid, and shall give a bond for the faithful discharge of his duties and the payment over to his successor of all moneys remaining in his hands, to be approved by the board of trustees as to form, sufficiency of sureties, and amount, to be fixed by the board of trustees at not less than double the amount of total receipts by the treasurer during the preceding year for the usual and ordinary expenses of the village; provided that, in case special or additional funds shall come to the hands of the treasurer during any year on account of any improvement, emergency or special expenditure, the trustees may require additional temporary security from the said treasurer whenever in their judgment the amount of funds in the treasurer's hands, or to come into his hands, is not adequately covered by the regular official bond of such treasurer. The treasurer may execute and file with the clerk of the village a bond, in a penal sum, to be fixed and approved by the said trustees, with a corporation duly authorized by the laws of

this state to issue surety bonds as surety thereon, instead of individual sureties as hereinbefore provided.

§ 2. Subdivision nine of section one of title seven of said act, as amended by chapter four hundred sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

Subdivision 9. Such further sum for special purposes, subject to the limitation hereinafter provided, as shall have been duly authorized by vote of the taxpayers, as provided in the next section. Provided, however, that the total amount of tax, general and special, raised in any year, shall not exceed one per centum of the assessed value of the real and personal property (exclusive of shares of stock of banks and banking associations) within said village, as the same shall appear upon the assessment roll of said village for the last preceding year; and further provided, that such limitation of one per centum shall not apply to, nor include, but shall be exclusive of, assessments made for street or other improvements and which are a lien or charge upon the property benefited thereby and not on the village at large, and exclusive of the amount raised for the payment of all installments of principal and interest on any bonded debt of the village of Canandaigua.

Amount of
tax for
special
purposes.

§ 3. This act shall take effect immediately.

Chap. 7.

AN ACT making appropriations to the state commissioner of excise for the payment of refunds on surrender of liquor tax certificates, and for judgments.

Became a law, February 16, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of three hundred and fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the state commissioner of excise to pay refunds on surrender of liquor tax certificates under the provisions of the liquor tax law, to be paid by the state treasurer from excise moneys in his hands, upon the warrant of the comptroller; also

Amount ap-
propriated.

the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the state commissioner of excise to pay judgments against the said state commissioner of excise, and also judgments against any special deputy commissioner of excise or against any county treasurer, where said judgments against said special deputy commissioners or county treasurers are obtained in actions or proceedings brought or defended by the direction of the state commissioner of excise.

§ 2. This act shall take effect immediately.

Chap. 8.

AN ACT making an appropriation for the payment of the principal and interest of public defence bonds issued pursuant to chapter six hundred and seventy-two of the laws of eighteen hundred and ninety-eight, and chapter four hundred and ninety-three of the laws of eighteen hundred and ninety-nine.

Became a law, February 16, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amount ap-
propriated.

Section 1. There is hereby appropriated from any moneys in the treasury not otherwise appropriated, for the comptroller for the redemption of the principal of public defense bonds due May first and November first, nineteen hundred and five, issued pursuant to chapter six hundred and seventy-two of the laws of eighteen hundred and ninety-eight, and chapter four hundred and ninety-three of the laws of eighteen hundred and ninety-nine, two hundred thousand dollars, and for one year's interest on all such bonds, eight thousand seven hundred and fifty dollars, or so much thereof as may be necessary.

§ 2. This act shall take effect immediately.

Chap. 9.

AN ACT to amend chapter one hundred and forty-one of the laws of nineteen hundred and four, entitled "An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverkill river therein," in relation to the time of payment of such bonds.

Became a law, February 16, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and forty-one of the laws of nineteen hundred and four, entitled "An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverkill river therein," is hereby amended to read as follows:

§ 1. The town board of the town of Hancock, Delaware county, is hereby authorized to issue bonds of such town in the sum of nine thousand dollars to provide for the expense of constructing an iron bridge across the Beaverkill river at or near Trout brook station in said town. Such bonds shall be signed by the supervisor and attested by the town clerk. They shall be so issued that three thousand dollars thereof shall be payable in the year nineteen hundred and eight, and two thousand dollars thereof in each of the three succeeding years. They shall bear interest at a rate not exceeding five per centum per annum, and shall be sold for not less than their par value. They shall be sold on sealed proposals or at public auction upon notice published in such newspapers as may be designated by the town board, and posted in at least five public places in the town, at least ten days before the sale, to the person who will take them at the lowest rate of interest. Such bonds shall be consecutively numbered from one to the highest number issued, and the town clerk shall keep a record of the number of each bond, its date, amount, rate of interest, when and where payable, and the purchaser thereof, or the person to whom they are issued. The town board and commissioners of highways of such town shall cause a contract for the construction of such bridge to be let to the lowest responsible bidder,

Bonds, how issued.

Contract for construction of bridge.

but such bridge shall not be accepted or paid for by the town until it shall have been approved by the state engineer and surveyor, in accordance with the provisions of section one hundred and forty-five of the highway law.

§ 2. This act shall take effect immediately.

Chap. 10.

AN ACT to provide for the enrollment of the electors in the third, fourth and fifth election districts of the second assembly district of the borough of Queens.

Became a law, February 17, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Date of
filing
affidavit.

Section 1. On or before the first day of April, nineteen hundred and five, any elector residing in either the third, fourth or fifth election districts of the second assembly district of the borough of Queens, who was duly registered in such election district for the general election held on the eighth day of November, nineteen hundred and four, and who at the time of such registration duly enrolled as a member of a political party, may, if he continues to reside in such election district, file with the bureau of elections of the city of New York, at its branch office in Long Island City, an affidavit in substantially the following form, the blanks being properly filled:

STATE OF NEW YORK }
County of..... } ss.:

Form of
affidavit.

I,, do solemnly swear, (or affirm), that I reside at, in the election district of the second assembly district of the borough of Queens; that I was a qualified and registered elector in such district at the general election held therein on the eighth day of November, nineteen hundred and four, and resided at in such district; and that at the time of registration I duly enrolled as a member of the party.

Subscribed and sworn to before me this

..... day of, 1905.

Name.....

Present address.....

§ 2. Within one month after the first day of April, nineteen hundred and five, the bureau of elections of the city of New York shall cause to be prepared for such election districts from the affidavit so filed, enrollment books for each party, in the same manner as is required by section three of the primary election law. Such enrollment books shall be the original enrollment books for such election districts during the year nineteen hundred and five, with the same force and effect as if they had been prepared in pursuance of the primary election law, and duplicate sets thereof shall on or before the first day of May, nineteen hundred and five, be prepared and delivered to the chairman of the proper general committee of each party in the manner required by the primary election law. Any elector enrolled in pursuance of this act shall, in the election district in which he is enrolled, be entitled to all the rights and privileges of an elector duly enrolled under the primary election law, notwithstanding the inadvertent destruction of the original enrollment blanks for such election district.

Preparation
of enroll-
ment books

§ 3. This act shall take effect immediately.

Chap. 11.

AN ACT relating to the equipment of the organized militia, and to authorize the sale of certain equipment to the United States, and providing for the disposition of the proceeds of such sale.

Became a law, February 20, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adjutant-general of the state with the approval of the governor is hereby authorized to sell to the war department such stores, supplies, material of war, military publications and other military equipment heretofore or hereafter purchased by the state for the purpose of furnishing the necessary articles requisite to fully arm, equip and supply the organized militia with the same armament and equipment as are now prescribed for branches of the line or staff in the regular army. Such sales are

Sale of
material
and equip-
ment to
war depart-
ment au-
thorized.

authorized to the amount of the allotments and the credit of the state of New York under section sixteen hundred sixty-one, revised statutes of the United States, the act of congress approved March two, nineteen hundred and three, and such future United States appropriations as may be made for the purpose of *furnishing the necessary articles to fully arm, equip and supply the organized militia with the same armament and equipment as are now prescribed for the regular army. The price of such stores, supplies, material of war, military publications and other military equipment shall be fixed by the secretary of war or other proper officer of the United States. Such stores, supplies, material of war, military publications and other military equipment sold under the conditions of this act will not be removed from the custody of the state of New York. They will, however, be taken up on the returns of the proper officer of the quartermaster's department, United States army, and the usual invoices and receipts exchanged therefor with the governor of the state.

Disposition
of proceeds
of sale.

§ 2. The proceeds of such sales heretofore or hereafter received shall be paid to the comptroller and be held by him for the purposes specified herein. Such proceeds shall be available for the purchase of stores, supplies, material of war, military publications and other military equipment as the governor may deem necessary and require to fully arm, equip and supply the organized militia with the same armament and equipment as are now or may hereafter be prescribed for branches of the line or staff in the regular army. Such proceeds shall be paid by the comptroller to the adjutant-general upon vouchers presented and audited as provided in section nineteen of the military code.

§ 3. This act shall take effect immediately.

* So in original.

Chap. 12.

AN ACT to legalize, ratify and confirm the elections held, by the voters of Union free school district number seven of the town of Granville, Washington county, New York, on the fifth and twenty-sixth days of June, nineteen hundred and three, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of twenty-nine thousand dollars, under authority of said elections and proceedings and to legalize and validate said two series of bonds.

Became a law, February 21, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. That the special elections held in union free school district number seven of the town of Granville, in the county of Washington and state of New York, by the voters thereof, on the fifth and twenty-sixth days of June in the year nineteen hundred and three, to vote upon and determine propositions to raise money in the aggregate amount of thirty thousand dollars, by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, at which election said propositions received the affirmative vote of more than two-thirds of the voters of said district, voting thereat, shall be deemed to have been held under due and sufficient notice and conducted in the manner provided by law and are hereby legalized, ratified and confirmed; that, the tax levies made and ordered to be made pursuant to said elections for said purpose, are hereby legalized, ratified, and confirmed; that, the proceedings of the board of education of said district, precedent and subsequent to said elections in the matter of the issuance of two series of bonds aggregating twenty-nine thousand dollars, one for fifteen thousand dollars dated the first day of October nineteen hundred and three and the other for fourteen thousand dollars dated

Special
election
confirmed.

Issue of
bonds
legalized.

the first day of October nineteen hundred and four, are hereby legalized, ratified and confirmed, and said two series of bonds sold by said board for not less than the par value thereof, the proceeds of which were received by said district, are hereby legalized and validated and made and declared to be valid and legally binding obligations of said school district, notwithstanding any omissions, irregularities or defects in said elections or proceedings.

Proceedings
not affected
by this act.

§ 2. This act shall take effect and be in force immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 13.

AN ACT authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvement.

Accepted by the city.

Became a law, February 22, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds for
city im-
provements
authorized.

Section 1. The city of Rome, by its common council, is hereby authorized and empowered, and it shall be its duty, by resolution duly adopted, to issue and sell bonds in the name, in behalf of and upon the credit of said city in an amount not exceeding in the aggregate the sum of twenty thousand dollars par value, for the purpose of paying the city's share, portion or part of the cost and expense of extending and constructing street improvements which have been made and completed in said city, and the proceeds of such bonds shall be applied by said common council for the objects and for the purposes aforesaid, and for no other purpose.

Execution
and issue of
bonds.

§ 2. Such bonds shall be signed by the mayor and city clerk of said city, and sealed with the seal of said city. They shall be issued upon such terms and for such length of time and at such rate of interest, not to exceed four per centum per annum, as said common council shall determine, and shall be sold for not less than their par value. They may be sold at public or private

sale, as said common council may determine. They shall be numbered consecutively from one to the highest number issued, and the city clerk shall keep a record of each bond, the date, amount, rate of interest, when and where payable, and the purchaser thereof.

§ 3. It shall be the duty of said city to be caused to be raised ^{Payment of bonds.} yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable and from time to time in like manner, to raise the money necessary to pay the principal of said bonds as they shall fall due.

§ 4. This act shall take effect immediately.

Chap. 14.

AN ACT to amend section one hundred and ten of chapter five hundred and sixty of the laws of nineteen hundred and four entitled "An act to revise the charter of the city of Rome."

Accepted by the city.

Became a law, February 22, 1905, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ten of chapter six hundred and fifty of the laws of nineteen hundred and four, entitled "An act to revise the charter of the city of Rome," is hereby amended so as to read as follows:

§ 110. The amount raised for the maintenance of the police department and the fire department, shall with the moneys received under the excise law of the state and the earnings of the police, be set apart in a separate fund, to be designated the police and fire department fund, and the fund and moneys under the control of said board shall be paid by the city treasurer only upon warrants drawn by said board upon such treasurer and signed by the president of the board and the city clerk, stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, what the payment is for and, for which department the payment is made, with a reference to the resolution authorizing the payment, specifying the date thereof;

Payments from police and fire departments fund.

and the said board shall not have the power to expend in any one year any greater sum than is authorized by the common council. The city treasurer is authorized and directed to pay over and transfer to the police and fire department fund, immediately upon the passage of this act, all moneys on deposit with him to the credit of the police department fund, and the fire department fund, and thereafter the said board may use said moneys and issue warrants thereon for the expenses, debts, and obligations of either or both of said departments.

§ 2. This act shall take effect immediately.

Chap. 15.

AN ACT giving the consent of the state of New York to the purchase, by the United States, of land in the county of Orange for the purpose of increasing the water supply upon the United States military reservation at West Point.

Became a law, February 23, 1905, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction
ceded to
United
States.

Section 1. The consent of the state of New York is hereby given to the purchase by the United States of any lands in the vicinity of Popolopen creek in the county of Orange, for the purpose of increasing the water supply of West Point, New York, and for the erection thereon of all needful buildings or structures, and to the purchase of a right of way to carry water through pipes from any point on said stream to the United States reservation at West Point, New York.

Concurrent
jurisdiction
of the
state re-
tained.

§ 2. The said consent is given and the said jurisdiction is ceded upon the express condition, that the state of New York shall retain a concurrent jurisdiction with the United States in and over the said land, so far as that all civil or criminal process which may issue under the laws or authority of said state may be executed therein, in the same manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Exemption
from pay-
ment of
taxes.

§ 3. So long as said lands and franchises shall remain the property of the United States, and no longer, the same shall be and

continue exonerated from all taxes, assessments and other charges, which may be levied or imposed under the authority of this state.

§ 4. This act shall take effect upon the filing by the United States in the department of state of the state of New York of proper evidence of the purchase of said lands and franchises by the United States, either by agreement with the owners thereof, or in the mode provided by the laws of the United States or of the state of New York. ^{When to take effect.}

Chap. 16.

AN ACT to amend chapter thirty of the laws of nineteen hundred and four, entitled "An act providing for the planting of shade trees in the village of Kenmore, county of Erie," by authorizing a petition of property holders on a portion of a street.

Became a law, February 23, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one, two and four of chapter thirty of the laws of nineteen hundred and four, entitled "An act providing for the planting of shade trees in the village of Kenmore, county of Erie," are hereby amended to read, respectively, as follows:

§ 1. Upon a petition of the property holders owning more than one-half in frontage of the property upon either side of any street or portion of street in the village of Kenmore, county of Erie, the board of trustees of such village may by resolution direct all property holders on such side of said street or portion of street to plant shade trees thereon, on either side thereof, at such points and of the kind and at an expense to be specified in said resolution. Before said resolution is adopted, the clerk of such village shall give notice to each person or corporation owning land fronting on said side of said street or portion of said street in the manner provided by the village law for giving notice of the consideration of a petition for a street improvement. Such notice shall state the general objects of the petition, the name and side of the street or portion of street along which it is proposed to plant such trees, and shall specify the time and place of the hearing of such petition. ^{Petition for planting of trees.}

Hearing on
petition.

§ 2. If upon such hearing, the said board of trustees are satisfied of the genuineness of such petition, and that it represents the owners of more than one-half the property fronting on said side of said street or portion thereof, such trustees shall order and direct by resolution the planting of shade trees on said side of said street or portion thereof, by the owners of the property fronting thereon, specifying the kind of trees, the expense thereof for planting, care and maintenance for three years, and the number thereof, and the location where the same are to be planted, provided that not more than one tree shall be planted on every thirty feet of frontage on either side of said street.

Proposals
for plant-
ing.

§ 4. The board of trustees of said village shall not contract for the planting of any shade trees for and on behalf of said village as hereinbefore provided save upon written proposals, after advertising therefor once in each of two successive weeks in the official newspaper of said village, and also in any newspaper that may be published within the limits of said village. The said board of trustees may reject any or all proposals submitted as aforesaid, and readvertise for bids if they deem it advisable, and may require a bond on the part of the person or corporation to whom any contract may be awarded for the planting of such shade trees, containing such warranties as it may be determined to include in such contract.

§ 2. This act shall take effect immediately.

Chap. 17.

AN ACT empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements.

Became a law, February 23, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of Westchester county may make provision for the payment of the liability of any town or towns in such county, for the cost of construction or improve

ment of any highways in such town or towns as hereinafter provided.

§ 2. The board of supervisors of Westchester county may upon the application of any town or towns, liable or to be made liable to taxation in whole or in part for the cost of construction or improvement of any highway or highways in such town or towns, pursuant to a vote of a majority of the duly qualified electors of any such town or towns, at an annual town meeting, or special town meeting, duly called for that purpose, or upon the written request of the highway commissioners and town board of such town or towns, authorize such town or towns to borrow such sums of money for and on the credit of such town or towns as may be necessary for such purpose. Authority to borrow money.

§ 3. This act shall take effect immediately.

Chap. 18.

AN ACT providing for the payment of the balance due newspapers for the publication of the general laws of the state for the year nineteen hundred and four.

Became a law, February 23, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of twenty-six thousand one hundred twenty dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, payable by the treasurer, upon the warrant of the comptroller, for the payment of the balance due newspapers in the various counties in this state, for the publication of the general laws of the state for the year nineteen hundred and four. Amount appropriated.

§ 2. This act shall take effect immediately.

Chap. 19.

AN ACT to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the legislature of nineteen hundred and four, proposing amendments to the constitution of this state, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract.

Became a law, February 23, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amount of
appropriation.

Section 1. The sum of ninety-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, payable by the treasurer, upon the warrant of the comptroller, for the payment of the balance due newspapers for the publication of concurrent resolutions of the legislature of nineteen hundred and four, proposing amendments to the constitution of this state, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract.

§ 2. This act shall take effect immediately.

Chap. 20.

AN ACT to amend the county law, relative to the compensation of supervisors in Niagara county.

Became a law, February 23, 1905, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-three of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter seven hundred and twenty-four of the laws of eighteen hundred ninety-three and chapter four hundred and eighty of the laws of eighteen hundred

and ninety-five and chapter five hundred and twenty-nine of the laws of nineteen hundred, is hereby amended to read as follows:

§ 23. Compensation of supervisors.—For the services of supervisors, except in the counties of Albany, Broome, Columbia, Erie, Kings, Montgomery, Niagara, Oneida, Onondaga, Rensselaer, Westchester and Richmond, each supervisor shall receive from the county compensation at the rate of four dollars per day for each calendar day's actual attendance at the sessions of their respective boards, and mileage at the rate of eight cents per mile, for once going and returning from his residence to the place where the sessions of the board shall be held, by the most usual route, for each regular and special session. In the counties of Niagara and Richmond each supervisor shall receive an annual salary, in the county of Niagara of three hundred, and in the county of Richmond of one thousand dollars, in lieu of any per diem compensation. Each supervisor, except in the counties of Albany, Broome, Columbia, Erie, Montgomery, Niagara, Oneida, Onondaga, Rensselaer, Westchester and Richmond, may also receive compensation from the county at the rate of four dollars per day while actually engaged in any investigation or other duty, which may be lawfully committed to him by the board; except for services rendered when the board is in session, and, if such investigation or duty require his attendance at a place away from his residence, and five miles or more distant from the place where the board shall hold its sessions, his actual expenses incurred therein. No other compensation or allowance shall be made to any supervisor for his services, except such as shall be by law a town charge, except that in the county of Niagara each supervisor, while actually engaged in any investigation, or in the performance of any other duty, which shall have been legally delegated to him by the board of supervisors, except when the board is in session, shall be entitled to receive in addition to the compensation hereinbefore provided, his actual expenses incurred therein, if such investigation or duty require his attendance at a place away from his residence, and five miles or more distant from the place where the board shall hold its sessions. The board of supervisors of any county may also allow to each member of the board for his services in making a copy of the assessment-roll, three cents for each written line for the first one hundred lines, two cents per line for the second hundred written

lines, and one cent per line for all written lines in excess of two hundred, and one cent for each line of the taxroll actually extended by him.

§ 2. This act shall take effect immediately.

Chap. 21.

AN ACT to amend chapter four hundred and eighty of the laws of eighteen hundred and ninety-four, entitled "An act in relation to the village of Fredonia," in relation to the collector.

Became a law, February 23, 1905, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two and three of article two of chapter four hundred and eighty of the laws of eighteen hundred and ninety-four entitled "An act in relation to the village of Fredonia," are hereby amended to read, respectively, as follows:

§ 2. **Elective officers.**—The said president and trustees shall be elected by ballot at the annual meeting of electors for the choice of officers of said village.

§ 3. **Appointive officers.**—The clerk, street commissioner, treasurer, village constable, collector, poundmaster and fire wardens of said village shall be appointed by the trustees thereof, by ballot, and shall hold their respective offices until the annual election of trustees next after their appointment, and until their successors are appointed and qualified, unless sooner removed from office by the trustees as hereinafter provided.

§ 2. This act shall take effect immediately.

Chap. 22.

AN ACT to amend the law creating the town of Green Island by providing for the distribution of the surplus funds of the town of Green Island.

Became a law, February 27, 1905, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter eight hundred and eleven of the laws of eighteen hundred and ninety-six, entitled "An act to divide the

town of Watervliet, in the county of Albany, and to erect the town of Green Island out of the part set off from the said town of Watervliet" is hereby amended by adding the following:

§ 9. The town board of the town of Green Island shall by resolution of the town board, on or before the first day of March of each and every year, set aside as a separate fund, such portion of the surplus funds in the hands of the supervisor of the town of Green Island, as they may deem advisable; such funds so set aside shall be subject to such use of the village of Green Island, as shall be directed by the taxpayers of the village of Green Island at the annual taxpayers' meeting of the village of Green Island, held on the first Wednesday of March of each year.

Separate
fund, use
of.

§ 10. This act shall take effect immediately.

Chap. 23.

AN ACT to amend section four of chapter eight of the general laws in relation to punishment for contempt.

Became a law, February 27, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter six hundred eighty-two of the laws of eighteen hundred ninety-two known as the legislative law is hereby amended to read as follows:

§ 4. Contempts of either house.—Each house may punish by imprisonment not extending beyond the same session of the legislature, as for a contempt, for the following offences only:

1. Arresting a member or officer of either house in violation of his privilege from arrest;

2. Disorderly conduct of its members, officers or others in the immediate view and presence of the house, tending to interrupt its proceedings.

3. The publication of a false and malicious report of its proceedings or of the conduct of a member in his legislative capacity;

4. Giving or offering a bribe to a member, or attempting by menace or other corrupt means, directly or indirectly, to influence a member in giving or withholding his vote, or in not attending meetings of the house of which he is a member;

5. Neglect to attend or be examined as a witness before the house, or a committee thereof or upon reasonable notice to produce any material books, papers or documents when duly required to give testimony or to produce such books, papers or documents in a legislative proceeding, inquiry or investigation.

§ 2. This act shall take effect immediately.

Chap. 24.

AN ACT to amend the Greater New York charter relative to special revenue bonds.

Accepted by the city.

Became a law, February 27, 1905, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred eighty-eight of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

Special
revenue
bonds
authorized.

§ 188. The comptroller is authorized to issue special revenue bonds to provide the means necessary to make payments for the following purposes:

Expense of
condemning
unsafe
buildings.

1. The expense necessarily incurred in condemning unsafe buildings as provided by section five hundred and eleven of chapter four hundred and ten of the laws of eighteen hundred and eighty-two.

Audits.

2. Amounts audited by the board of estimate and apportionment pursuant to section two hundred and thirty-one of this act.

Judgments
against the
city.

3. Such amounts as may be necessary to pay judgments recovered against the corporation; provided, however, that when such judgments shall have been recovered for county charges or liabilities of any of the counties included within the territorial limits of the city of New York, separate accounts shall be kept thereof. The corporation counsel shall, in all such cases, advise the comptroller as to the amount of such county liability and the county incurring the same, and it shall, thereupon, be the duty of the comptroller in making the certificate to the board of aldermen, required by section nine hundred and two of this act in respect to county charges, to include in the amounts chargeable

against each of such counties the amounts of such judgments respectively paid on account thereof during the preceding calendar year. It shall also be the duty of the comptroller in estimating the revenues of the general fund for the reduction of taxation as required by section nine hundred of this act, to include the amounts which shall be respectively chargeable against each of such counties.

4. The amount appropriated in pursuance of section two hundred and thirty-six of this act in those cases in which the appropriations are made after the final passage of the annual appropriations and the certification to the board of aldermen of the amount to be raised. Supplemental appropriations.

5. The amount necessary to defray the expense of supplying water meters as authorized by section four hundred and seventy-five of this act. Expense of water meters.

6. To provide for deficiencies in the fund for street and park openings as provided in section one hundred and seventy-four of this act. Deficiencies for streets and parks.

7. To provide for the payment of claims, charges, expenses and appropriations which have been or may be lawfully payable by the city of New York, as hereby constituted, and the several counties wholly included within its limits, and for which no other provision for payment has been made. Separate accounts shall be kept of the bonds issued and payments made on account of county charges and expenses, and the comptroller shall similarly certify the amounts thereof to be raised by tax in the respective counties and to be included in the general fund for the reduction of taxation as provided by subdivision three of this section in the case of judgments. Payment of claims, charges and expenses.

8. To provide for the payment of expenses authorized by the concurrent vote of all the members of the board of estimate and apportionment upon a resolution requesting such authorization, adopted by the affirmative vote of three-fourths of all the members of the board of aldermen; provided, however, that the amount thus issued shall not in any one year exceed two million dollars. Expenses authorized by concurrent vote.

9. To meet and pay the expenses incurred pursuant to the provisions of section eleven hundred and seventy-seven and eleven hundred and seventy-eight of this act.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 25.

AN ACT to amend chapter one hundred and one of the laws of eighteen hundred and eighty-one, entitled "An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five," relative to the powers of the water commissioners.

Accepted by the city.

Became a law, March 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-one of chapter one hundred and one of the laws of eighteen hundred and eighty-one entitled "An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five," is amended to read as follows:

Powers of
commissioners.

§ 21. The said commissioners shall have power from time to time to make and establish such by-laws, rules and regulations not inconsistent with the laws of this state or of the United States as they shall deem proper for the election of their officers and as to the duties of their officers and employees, and as to the means of enforcing said duties, and to regulate the times and manner of holding meetings of commissioners, and for enforcing the collection of water rents and charges, and manner of using water, and generally for transacting, managing and directing the affairs of said commissioners, and to do all acts and take all measures necessary for the prompt, efficient and complete performance of their duties, and may provide regulations as to the use of water, and enforce observance thereof by cutting off the use and supply of water. And the said water commissioners shall have power to make, adopt and cause to be published ordinances for the preservation and protection of the dams, water mains, water pipes, water, hydrants and other property within the city of Amsterdam in their custody and control and ordinances regulating the tapping of and connecting with the water mains and water pipes in said city and prescribing suitable pen-

alties for the violation of such ordinances. Any such ordinance made and adopted by the water commissioners shall be duly published at least twice in two newspapers published in said city before it shall take effect, and every such ordinance shall be duly recorded in a book to be kept by said commissioners for that purpose, together with the certificate of the secretary of the water commissioners of the time and manner of publication. Such record, or a copy thereof certified by the secretary, shall be presumptive evidence in all courts and in all actions and proceedings of the due adoption and publication of such ordinance. Any person violating any ordinance which has been or may be duly made and adopted by the water commissioners and duly published, as above provided, shall be guilty of a misdemeanor.

Publication
of ordi-
nances.

§ 2. This act shall take effect immediately.

Chap. 26.

AN ACT in relation to an additional water supply for the city of Albany.

Accepted by the city.

Became a law, March 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever the commissioner of public works has devised a plan for an additional water supply for such city the same shall be submitted to the common council for adoption and when adopted by the common council and approved by the board of estimate and apportionment the board of contract and supply shall proceed to advertise and let contracts for the work in the same manner as other contracts are advertised and let.

Contracts
for addi-
tional
water
supply.

§ 2. For the purpose of providing funds for the payment of the expense of such additional water supply the city of Albany is hereby authorized and empowered to issued bonds to provide funds to pay the amount of such expense, not exceeding in the aggregate the sum of four hundred thousand dollars. Such bonds shall be issued in such denominations and shall draw interest at such rate and be payable at such times and places as the common council shall by ordinance determine; provided, however, that

Bonds for,
how issued.

the time for the payment of the principal of such bonds shall not exceed twenty years.

§ 3. This act shall take effect immediately.

Chap. 27.

AN ACT to amend chapter one hundred and eight of the laws of nineteen hundred and four, entitled "An act to provide for the construction of an extension of the building in the Central park, in the city of New York, occupied by the Metropolitan museum of art."

Accepted by the city.

Became a law, March 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter one hundred and eight of the laws of nineteen hundred and four is amended so as to read as follows:

§ 2. For the purpose of providing means for carrying into effect the provisions of this act, it shall be the duty of the comptroller, upon being thereunto authorized by the board of estimate and apportionment, to issue and sell, but not at less than their par value, corporate stock of the city of New York, in the manner provided by law, but not exceeding in the aggregate the sum of twelve hundred and fifty thousand dollars. Provided, however, that no appropriation in excess of five hundred thousand dollars shall be made in any one year for the purpose herein stated.

§ 2. This act shall take effect immediately.

Chap. 28.

AN ACT to enable the medical college laboratory of the city of New York to convey and transfer its real and personal property.

Became a law, March 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of directors of the medical college laboratory of the city of New York, a corporation created in and by

chapter one hundred and twenty-five of the laws of eighteen hundred and eighty-three, may at any time in their discretion convey and transfer, by deed or gift, all the real and personal property of said corporation to any university or college, or other institution of learning, incorporated under and pursuant to the laws of the state of New York, and thereupon the said corporation, the medical college laboratory of the city of New York, shall cease to exist.

§ 2. This act shall take effect immediately.

Chap. 29.

AN ACT to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county, in respect to the issue of bonds by such town to pay certain indebtedness thereof.

Became a law, March 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The proceedings taken by the town board of the town of Granger, in the county of Allegany, and the petition made by such town board to the board of supervisors of Allegany county, for authority to issue bonds in the sum of five thousand one hundred dollars for the payment of a certain certificate of indebtedness issued by such town board to pay the expense incurred by such town in the year nineteen hundred and two, in rebuilding a bridge across the Genesee river between the towns of Granger and Hume, and also to pay a certain judgment rendered against the said town of Granger in favor of Frank Yaw upon which judgment there is due and unpaid the sum of five hundred dollars, which petition is dated December thirty-first, nineteen hundred and four, and the acts and proceedings of the board of supervisors of Allegany county, in respect to such petition, and the resolution adopted by such board authorizing the said town of Granger to issue its bonds for the purpose above specified, are hereby in all respects ratified and confirmed and made as valid and binding as though such proceedings and petition of the town board of the

Proceedings
of town
board
legalized.

Issue of
bonds au-
thorized.

town of Granger and the acts, proceedings and resolution of the board of supervisors of the county of Allegany, in respect thereto, had been taken or made in conformity with the provisions of section sixty-nine of the county law, and of all other laws pertaining to the issue and sale of bonds by towns. The town of Granger is hereby authorized to issue its bonds in the manner specified under the conditions prescribed and in the manner and form directed by the resolution of the said board of supervisors of Allegany county, and such bonds when so issued shall be valid and binding upon the said town.

Payment of
bonds.

§ 2. The board of supervisors of Allegany county shall cause to be raised upon the taxable property of the town of Granger such sums as may be necessary to pay the principal and interest of such bonds as they become due and payable.

§ 3. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court at the time this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 30.

AN ACT to legalize and confirm the organization and existence of union free school district number one of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district.

Became a law, March 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Organisa-
tion of
district
confirmed.

Section 1. The organization and existence of a union free school district known as union free school district number one, of the town of Herkimer, in the county of Herkimer, and all proceedings heretofore at any time had by the board of education and by legal voters of said district as such union free school district, or otherwise, are hereby, in all respects legalized and confirmed.

§ 2. All proceedings had by the legal voters of such school district at the special meeting held April thirtieth, nineteen hundred and four, and all the proceedings and acts of the board of education thereof in calling and holding such meeting, and subsequent thereto, for the purpose of voting a tax and with respect to the issuance and sale of bonds in the sum of twenty thousand dollars to retire bonds amounting to fifteen thousand dollars issued to pay for the erection of the original south side school building, said bonds maturing on May twenty-first, nineteen hundred and four, and to pay five thousand dollars for the installation of a heating and ventilating system and of the plumbing in the addition to the said south side school building, be and are hereby in all respects authorized, ratified and confirmed. The tax so voted shall be deemed and held levied in installments of one thousand dollars each to be collected annually from the year nineteen hundred and five to the year nineteen hundred and twenty-four, both inclusive, and the said tax so voted and levied and the bonds, payable one thousand dollars a year from July first, nineteen hundred and five to and including July first, nineteen hundred and twenty-four, are hereby validated, legalized and confirmed as issued under the consolidated school law, and the said board of education is hereby authorized and empowered to execute and deliver the said bonds to the purchasers thereof in accordance with the said proceedings and with this act.

Proceedings
of special
school
meeting
legalized.

Tax levied
by install-
ments.

§ 3. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court when this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 31.

AN ACT to amend chapter three hundred and sixty-nine of the laws of eighteen hundred and ninety-five, entitled "An act creating a commissioner of jurors for each county of the state having a certain population, and prescribing his duties; also providing in what manner jury lists shall be made up and notified in the courts of record in such counties, and how they may be exempted or excused and the length of service of such jurors," relative to exemptions of jurors from serving during two succeeding years after service.

Became a law, March 2, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen of chapter three hundred and sixty-nine of the laws of eighteen hundred and ninety-five, entitled "An act creating a commissioner of jurors for each county of the state having a certain population," and prescribing his duties; also providing in what manner jury lists shall be made up and notified in the courts of record in such counties, and how they may be exempted or excused and the length of service of such jurors," as amended by chapter ninety-seven of the laws of eighteen hundred and ninety-six, and by chapter twenty-one of the laws of eighteen hundred and ninety-seven, is hereby further amended to read as follows:

Preparation
of jury
lists and
ballots.

§ 16. When the annual jury list has been prepared and filed as prescribed in the last section, the ballots for jurors used in the previous year shall be destroyed by the commissioner of jurors, except those which are required for the ensuing year. The ballots for the ensuing year shall be prepared by the commissioner, who may use for that purpose such of the ballots prepared for the previous year as shall be in condition to be used again. The ballots shall be uniform slips of paper, and the name of each person on the jury list who is qualified and liable for jury duty, with his residence, shall be written separately on one of said ballots. The ballots so prepared shall be deposited by the commissioner of jurors in the jury box kept by the commissioner of jurors for that purpose, and he shall place his seal upon the box. The commissioner of jurors shall not deposit in

the jury box for service for the ensuing year the ballots containing the names of jurors who have served their legal term as jurors during the two preceding jury years. The box shall be constructed with an aperture large enough only to conveniently admit the hand of the person by whom the ballots are to be drawn, and the aperture shall be provided with a cover so arranged as to be securely sealed when closed. The jury box shall be cylindrical in form, and shall be provided with some apparatus by which the ballots can be thoroughly mixed without exposing them, and its form and construction shall be approved by the said judges, and may from time to time be changed with their approval.

Jury box,
construction of.

§ 2. This act shall take effect immediately.

Chap. 32.

AN ACT to amend the public buildings law, relative to authorizing the trustees of the soldiers' and sailors' home at Bath, to organize and maintain a band and to pay for the same out of the maintenance funds of the home.

Became a law, March 2, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-one of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-three, entitled "An act relating to public buildings, constituting chapter fourteen of the general laws," is hereby amended to read as follows:

§ 41. Powers of trustees.—The board of trustees shall have possession of all property belonging to or constituting such home and may complete the buildings therein already commenced or hereafter to be erected, and keep them in readiness for occupation with any funds appropriated therefor or that may come into their hands for such purpose, and may pay any existing indebtedness of such corporation which shall be or might become a lien upon such property or any part thereof. The board may make contracts in its name, subject to the approval of the comptroller, for work and materials for the completion of the buildings on such property, the furnishing thereof and of supplies for use

and consumption therein, but shall spend no money and incur no indebtedness for such purpose beyond the appropriation previously made therefor by the legislature. It may adopt rules and regulations, subject to like approval, specifying the duties of the officers of the home, the government of its inmates, fixing the terms and conditions of admission thereto and the cause and manner of expulsion therefrom. The board may require and take in its name any security by way of bond or otherwise from any person appointed or elected by it, for the faithful performance of his duties, and for truly accounting for all moneys or property received by him, for or on account of the board of trustees or in the performance of such duties. And the said board shall have power to organize and maintain a band, the same to be paid for out of the maintenance funds of the home, not exceeding six thousand dollars per annum.

§ 2. This act shall take effect immediately.

Chap. 33.

AN ACT to release to Courtney C. Douglas, the right, title and interest of the people of the state of New York acquired by escheat in and to certain real estate in the city of New York.

Became a law, March 6, 1905, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Description. Section 1. All the right, title and interest of the people of the state acquired by escheat in and to the real estate situate in the city of New York, owned by Ida P. Douglas, deceased, at the time of her decease, is hereby released unto Courtney C. Douglas, of Houghton, Michigan. Said real estate is described as follows: All that certain lot, piece or parcel of land situate lying and being in the city of New York bounded and described as follows: Beginning at a point on the easterly side of Madison avenue distant eighty feet five inches from the corner formed by the intersection of the southerly side of Fifty-fourth street with the said easterly side of Madison avenue, running thence easterly and parallel with Fifty-fourth street and a part of the way through the center of a party wall eighty feet, thence southerly

and parallel with Madison avenue twenty feet, running thence westerly and parallel with Fifty-fourth street and part of the way through the center of another party wall eighty feet to the said easterly side of Madison avenue, and thence running northerly along said Madison avenue twenty feet to the place of beginning.

§ 2. Nothing in this act contained shall impair or affect any right, title, interest, or estate in or to the lands herein described, of any heir at law, devisee, grantee, mortgagee or creditor of any person having an interest in said real property, immediately prior to the escheat thereof, or of any person having a lien or encumbrance thereon, through, under or by any person having an interest therein immediately prior to such escheat. Certain rights not impaired.

§ 3. This act shall take effect immediately.

Chap. 34.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," relative to elections, the submission of tax propositions, and the qualifications of voters.

Became a law, March 6, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventeen of title two of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," is hereby amended to read as follows:

§ 17. To entitle a person to vote upon any proposition to raise a tax or appropriate money he shall at the time be an elector of said village, and shall be assessed on the last assessment-roll of said village for real or personal property. A woman who possesses the qualifications to vote for village officers except the qualifications of sex, who is the owner of property in such vil- Qualifications of electors.

lage, assessed upon the last preceding assessment-roll thereof, shall be entitled to vote upon a proposition to raise a tax or appropriate money.

§ 2. Section three of title three of such chapter is hereby amended to read as follows:

Notice of
meeting.

§ 3. Before any tax shall be voted for at any such meeting, a notice shall be published by order of the trustees, and signed by the president or clerk, for at least ten days before such meeting, by posting up such notice in at least five public places in each ward in said village, stating that the meeting will be called upon to vote for a tax, also the amount to be raised, the time of and place where such meeting will be held, and the time of opening and closing the polls. All votes upon tax propositions submitted at any such meeting shall be by ballot, and the provisions of the election law, relating to ballots and ballot boxes for the submission of propositions, at an election shall apply to the submission of such propositions so far as the same may be made applicable thereto. Special meetings called to vote for the raising of money for any village purpose shall be held in one election district and shall be conducted, except as otherwise provided herein, in the same manner as an annual election. The result of such meeting shall be canvassed by the inspectors appointed as provided in this section, and such inspectors shall openly declare such result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes cast, and the number cast for and against each proposition submitted at such meeting. Such certificate shall be filed by one of such inspectors designated for that purpose in the office of the village clerk. The polls at such meetings shall open at six o'clock forenoon, and close at five o'clock in the afternoon of that day. The trustees of said village shall appoint two inspectors of election, who shall be resident electors of said village, and qualified to vote upon propositions to be submitted at such meetings. Such inspectors may appoint a resident elector of said village, qualified to vote upon such propositions as clerk of the poll. In the absence of said inspectors, or either of them, the electors may appoint such inspector or inspectors, as provided in section seven of title two of this act, and such inspectors may appoint a clerk of the poll.

Special
meetings,
how con-
ducted.

§ 3. This act shall take effect immediately.

Chap. 35.

AN ACT to amend the stock corporation law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock.

Became a law, March 7, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-one of chapter five hundred and sixty-four of the laws of eighteen hundred and ninety, entitled "An act in relation to stock corporations, constituting chapter thirty-eight of the general laws," as amended by chapter six hundred and eighty-eight of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 51. Order of court upon such application.—Upon the return of the order, with proof of due service thereof, the court shall, in a summary manner, and in such mode as it may deem advisable, inquire into the truth of the facts stated in the petition, and hear the proofs and allegations of the parties in regard thereto, and if satisfied that the petitioner is the lawful owner of the number of shares, or any part thereof, described in the petition, and that the certificate therefor has been lost or destroyed, and cannot after due diligence be found, and that no sufficient cause has been shown why a new certificate should not be issued, it shall make an order requiring the corporation, within such time as shall be therein designated, to issue and deliver to the petitioner a new certificate for the number of shares specified in the order, upon depositing such security, or filing a bond in such form and with such sureties as to the court shall appear sufficient to indemnify any person other than the petitioner who shall thereafter be found to be the lawful owner of the certificate lost or destroyed; but such provision requiring security to be deposited or bond filed is to be construed as excluding an application made by a domestic municipal corporation or by a public officer in behalf of such corporation; and the court may direct the publication of such notice, either before or after making such order as it shall deem proper. Any person claiming any rights under the certificates alleged to have been lost or destroyed shall have

recourse to such indemnity, but in any application under the provisions of this act in which a domestic municipal corporation or a public officer in behalf of such corporation, shall be by the foregoing provisions of this section, excused from depositing security or filing a bond, such municipal corporation shall be liable for all damages that may be sustained by any person, in the same case and to the same extent as sureties to a bond or undertaking would have been, if such a bond or undertaking had been filed; and the corporation issuing such certificate, shall be discharged from all liability to such person upon compliance with such order; and obedience to the order may be enforced by attachment against the officer or officers of the corporation on proof of his or their refusal to comply with it.

§ 2. This act shall take effect immediately.

Chap. 36.

AN ACT to amend the forest, fish and game law, in relation to the meshes of nets used in Lake Erie.

Became a law, March 7, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-three of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter five hundred and eighty of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 63. Fish taken by angling, meshes of nets.—Except as permitted by this act, fish shall not be taken by any device except angling in any of the rivers, lakes and inland waters of this state. When permitted the meshes of nets used shall not be less than one and one-eighth inch bar, except in Lake Erie, where they shall not be less than one and three-eighths inch bar.

§ 2. This act shall take effect immediately.

Chap. 37.

AN ACT authorizing the town board of the town of Canton, county of Saint Lawrence, to divide such town into election districts.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of the town of Canton, county of Saint Lawrence, shall, on or before July first, nineteen hundred and five, increase the number of election districts in said town from six to seven, and so alter and prescribe the boundaries of such election districts as to most conveniently accommodate the electors residing therein. The inspectors of election and other election officers in the election districts in such town, the boundaries of which are unchanged by said town board, appointed pursuant to the election law, shall continue in office until the expiration of their respective terms. In those election districts whose boundaries are altered by said town board as provided in this act, the inspectors of election and other election officers already appointed as provided by the election law shall perform the duties of their respective offices in the election district of which they are qualified electors, and the vacancies occurring in any of such offices because of the increase in the number of election districts in such town, or the alteration of the boundaries of those already existing shall be filled by appointment by the town board of said town at the time of such re-districting from among the qualified voters in the district or districts where such vacancies occur, eligible to such office under the provisions of section eleven of the election law, and the terms of office of the election officers so appointed shall expire at the same time that the terms of office of the inspectors of election of those districts in said town not affected by such re-districting will expire. The provisions of section eight of the election law, relating to the creation, division and alteration of election districts apply to such town, except so far as they are inconsistent herewith.

§ 2. This act shall take effect immediately.

Chap. 38.

AN ACT to legalize the bonds of the village of Fonda, Montgomery county, New York, amounting to the sum of twenty-three thousand dollars, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings
of board of
trustees
legalized.

Section 1. All the proceedings taken by the board of trustees of the village of Fonda, Montgomery county, prior and subsequent to the special election held in said village on the twenty-first day of June, nineteen hundred and four, and the proceedings taken at such special election, relating to the issuance of the bonds of said village to the amount of twenty-three thousand dollars, of the denomination of nine hundred and twenty dollars each, payable on the first day of July, in each year from nineteen hundred and nine to nineteen hundred and thirty-three, both inclusive, for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, are hereby ratified, confirmed and legalized, and made of the same force and effect as though all the provisions of the laws applicable to the issuance of such bonds had been fully and strictly complied with; and the bonds of said village sold in pursuance of such proceedings at a public sale held on the twenty-first day of September, nineteen hundred and four, with the rates of interest fixed by such sale, are hereby declared to be valid and binding obligations of said village.

Payment
of bonds.

§ 2. The board of trustees of said village of Fonda, shall cause to be raised annually by the levy and collection of taxes upon the taxable property of said village, such sums, which shall be sufficient to pay the principal and interest of said bonds as the same shall become due and payable.

§ 3. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court when this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 39.

AN ACT to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of five hundred thousand dollars road bonds of said county, to ratify and confirm the sale at public auction of three hundred thousand dollars of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The action of the board of supervisors of the county of Orange in providing by resolution adopted December sixteenth, nineteen hundred and four, for the issuance and sale of bonds of said county in the aggregate amount of five hundred thousand dollars, in pursuance of the authority of chapter eighty-three of the laws of nineteen hundred and one of the state of New York, and the acts amendatory thereof, is hereby approved, ratified, validated and confirmed, and the sale January third, nineteen hundred and five, at public auction of three hundred thousand dollars of said bonds, maturing in installments of fifteen thousand dollars in each of the years nineteen hundred and fifteen to nineteen hundred and thirty-four inclusive, to the highest bidder at said sale for one hundred and one dollars and three cents for each one hundred dollars par value of said bonds, and accrued interest, is likewise approved, ratified and confirmed.

§ 2. Said bonds of said county in the aggregate amount of five hundred thousand dollars shall be in such form as the chairman of the board of supervisors shall determine, shall bear date and shall mature, bear interest and be executed, as provided in the aforesaid resolution of the board of supervisors adopted December sixteenth, nineteen hundred and four, and shall recite that they are issued pursuant to the authority of chapter eighty-three of the laws of nineteen hundred and one as amended, and of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. Said bonds when executed shall be delivered to the treasurer of said county who is hereby authorized to issue and deliver three hundred thousand dollars of said

Proceedings of board of supervisors legalized.

Bonds, form and execution of.

bonds, maturing in installments of fifteen thousand dollars, in each of the years nineteen hundred and fifteen to nineteen hundred and thirty-four inclusive, to the highest bidder at said sale of January third, nineteen hundred and five, on receipt of the amount of three hundred and three thousand and ninety dollars and any interest accrued on said bonds. The remaining two hundred thousand dollars of said bonds shall be held by the county treasurer and from time to time as sold, issued, and delivered by him, pursuant to the direction of the board of supervisors.

Under-
taking of
county
treasurer.

§ 3. The treasurer of said county shall give an undertaking in the principal sum of fifty thousand dollars to the county of Orange to be approved by the chairman of said board of supervisors as to the form thereof and sufficiency of the surety or sureties who shall justify in the aggregate in a sum not less than one hundred thousand dollars, which undertaking shall be conditioned upon the faithful performance of the duty of said treasurer in issuing the aforesaid bonds and the lawful application of the funds arising therefrom, and of the funds which may be raised by tax for the payment thereof which may come into his hands.

Payment of
bonds.

§ 4. There shall be raised annually by tax upon the taxable property of the county of Orange a sum sufficient to pay the interest and principal of said bonds as the same shall become due.

§ 5. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 40.

AN ACT to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating in Sullivan county, to acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plank road or turnpike within said towns, and to provide means for the payment of the same.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisition
of rights in
certain
towns.

Section 1. The towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating, in the county of Sullivan, may, in

the manner hereinafter provided, determine to acquire the rights, franchises and property of any individual or corporation, lawfully entitled to exact a toll or charge for walking, riding or driving over any plank road or turnpike, within said towns.

§ 2. Upon the petition of twenty of the resident taxpayers, whose names appear as such upon the last preceding assessment roll, filed with the town clerk thirty days preceding any biennial town meeting hereafter to be held in said towns, or either of them, the town clerk shall prepare and submit to the electors thereof at the next biennial town meeting, in the manner now provided by law, a resolution upon the question of whether such town shall acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation, lawfully entitled to exact a toll or charge for walking, riding or driving over any plank road or turnpike wholly within such town, or wholly within two or more towns all of which determine to acquire the franchises and property of such individual or corporation therein, in pursuance of this act. If the franchises and property of any individual or corporation are not wholly within one town, the proceedings for the acquisition thereof within any town shall be void, unless all of the towns within which such franchises and property are located adopt a resolution pursuant to this act. Such resolution shall specify the maximum amount to be expended by the town in the acquisition of such franchises and property, and whether the proportion of the expense thereof payable by the town is to be met by one annual payment, or by the issue of bonds as hereinafter authorized, and if by the issue of bonds, the term of such bonds, and whether the same are to be paid by the town in one year, or by annual installments to be specified in the resolution.

Submission
to voters of
resolution
to acquire
rights, etc.

§ 3. If said resolution shall be adopted by a majority vote, the town board of such town is authorized to and shall acquire such rights, franchises and property within such town by purchase, if able to agree with the owners, and otherwise by condemnation, in the name of the town.

When
town board
may
acquire
rights, etc.

§ 4. Any turnpike or plankroad corporation may, by the affirmative vote of stockholders owning a majority of the stock thereof, expressed in writing, or at a special meeting of the stockholders of such corporation held upon written notice of at least ten days to all the stockholders thereof, authorize the board of

Sale of
rights, etc.,
proceedings
for.

directors or trustees, to dispose of the rights, franchises and property of such corporation within said towns, or either of them, pursuant to this act, for a specified sum; and thereupon the board of directors or trustees of such corporation may convey and sell such rights, franchises and property to the said towns, or either of them, accordingly.

Town boards authorized to borrow money to pay for franchises.

§ 5. The town board of said towns are hereby authorized to borrow money for the purpose of paying for such rights, franchises and property, and may issue bonds in the manner provided by law, or other evidence of indebtedness of the town therefor, but such bonds or other evidence of indebtedness shall not bear a rate of interest exceeding five per centum and shall not run for a longer period than twenty years, and shall not be sold for less than par.

Roads acquired, to be public highways.

§ 6. All turnpikes and plankroads acquired by said towns, or either of them, under the provisions of this act, shall be opened and maintained as free public highways, and shall become and be a part of the highway system of such town.

Cost of roads to be certified to supervisors.

§ 7. Upon the acquisition by said towns, or either of them, of any plankroad or turnpike under the provisions of this act, the town board shall certify the cost thereof to the board of supervisors of Sullivan county and thereupon said board of supervisors are authorized and directed, to levy upon the taxable property in said county, in the same manner as other county charges are levied and collected, one-sixth of the cost thereof and pay the same, when collected, to the supervisor of such town or towns to be applied by him in the payment of the principal and interest on the indebtedness issued to pay for the same.

§ 8. This act shall take effect immediately.

Chap. 41.

AN ACT to amend an act entitled, "An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city," in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred eighteen of the laws of eighteen hundred and eighty-four entitled, "An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the City of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city" as amended by chapter five hundred ninety-eight of the laws of eighteen hundred eighty-six and by chapter twenty of the laws of eighteen hundred ninety-seven and by chapter three hundred forty-four of the laws of nineteen hundred one, is hereby amended to read as follows:

§ 1. The sheriff of Albany county shall receive his fees and per-
quisites in all civil cases in which the same are to be paid by Fees and salary of sheriff. private persons, and in addition thereto he shall receive an annual salary of four thousand-dollars, to be paid quarterly by the treasurer of Albany county, in full of all fees or other compensation from the county of Albany, and he shall not receive from the county of Albany any fees, compensation or perquisites of any kind or nature whatsoever, excepting only his aforesaid salary, from which he shall pay all such assistants other than those whose salaries are herein specifically provided for, as shall be proper to enable him to conveniently exercise the duties of his office,

and in consideration of which he shall do and perform all duties now, or which may hereafter be, imposed upon him by law, without fee or reward from the county of Albany, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor, but he shall be entitled to his actual disbursements for travel, lodging and food incurred while attending to the transportation of juvenile delinquents, and any other person whom he is required by law to transport where the cost of such transportation is made by law a county charge, but such disbursements in no one case shall be allowed at a sum in excess of fifteen dollars if but one be so-transported, and for each additional one transported at the same time the sum of eight dollars. The aforesaid disbursements shall be fixed, allowed, audited and paid by the county treasurer of Albany county, when bills therefor shall be presented by the sheriff in the form and with the verification required by law in the case of claims presented to the board of supervisors of Albany county. The sheriff shall receive from the county treasurer, and be allowed for a jailor, to be employed in the jail in the city of Albany, the sum of one thousand and eighty dollars a year, to be paid in monthly payments. The said jailor shall, in addition to his other duties, to be prescribed by the sheriff, keep under the supervision and direction of said sheriff, the jailor's docket of prisoners herein-after mentioned. The sheriff shall also receive from the county treasurer and be allowed for an under sheriff the sum of one thousand five hundred dollars a year; for a clerk, the sum of one thousand dollars a year; for a day watchman at the jail, the sum of eight hundred dollars a year; and for a night watchman at the jail, the sum of eight hundred dollars a year; and for a cook and other servant, together, the sum of five hundred dollars a year; which sums shall be paid in monthly payments.

§ 2. This act shall take effect immediately.

Disbursements of sheriff, auditing of.

Jailor, salary and duties of.

Salaries of under sheriff, clerk, watchmen, etc.

Chap. 42.

AN ACT to amend chapter three hundred and forty-two of the laws of nineteen hundred and two, entitled "An act to make the office of supervisor in the county of Westchester a salaried office and to regulate the sessions of the board of supervisors, in said county," relative to temporary loans.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and forty-two of the laws of nineteen hundred and two, entitled "An act to make the office of supervisor in the county of Westchester a salaried office and to regulate the sessions of the board of supervisors in said county," is hereby amended by inserting therein a new section to be known as section seven, and to read as follows:

§ 7. The board of supervisors of the county of Westchester may authorize the county treasurer of such county to issue certificates of indebtedness on the credit of the county, for the payment of claims audited by such board, whenever the legal demands on the treasury of such county render it necessary. Such certificates shall bear interest at a rate not exceeding five per centum per annum and shall be sold at public or private sale, but at not less than their par value. The principal and interest of such certificates shall be payable on the first day of May following their issue.

Certificates
of indebted-
ness, issue
of.

§ 2. Section seven of such act is hereby renumbered and made section eight thereof.

§ 3. This act shall take effect immediately.

Chap. 43.

AN ACT to provide for the appointment of an assistant district attorney in Fulton county.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Qualifica-
tions and
appoint-
ment of
assistant
district
attorney.

Section 1. The present district attorney of Fulton county and every district attorney of that county hereafter elected or appointed to that office, may appoint a suitable person to be assistant district attorney. Such appointee shall be a counselor-at-law and a resident of the county. Such appointment shall be in writing under the hand of the district attorney, and shall be filed in the office of the clerk of the county. Such appointee, before he enters upon the duties of his office, shall take the oath of office prescribed by the constitution. Such appointment may be revoked by the district attorney making the same, which revocation shall be in writing and shall be filed in said clerk's office; and unless said appointment be revoked by the district attorney making the same, then said appointment shall be for the term of the district attorney making such appointment.

Rights and
duties.

§ 2. It shall be lawful for every such assistant district attorney to attend all criminal courts of the county and assist in conducting all prosecutions therein. It shall also be lawful for such assistant district attorney to attend and appear before any grand jury in his county.

Counsel
to board of
supervisors.

§ 3. The said assistant district attorney shall act as the attorney and counsel of the board of supervisors of said county of Fulton, without additional compensation to the salary hereinafter specified, but shall be paid any disbursements incurred by him as such attorney and counsel by the board of supervisors.

Salary.

§ 4. Such assistant district attorney shall receive an annual salary of six hundred dollars, to be paid by the county in the same manner as the salary of other county officers; and if such appointee shall resign or said appointment be revoked before the expiration of any year, or if for any reason such appointee shall have served less than a full year, he shall be paid in like manner

one-twelfth of such annual salary for each month of service as such assistant district attorney.

§ 5. This act shall take effect immediately.

Chap. 44.

AN ACT to amend section ten hundred and eighty-six of the code of civil procedure relative to excusing jurors.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten hundred and eighty-six of the code of civil procedure is hereby amended so as to read as follows:

§ 1086. A person liable to serve as a trial juror may be excused ^{When juror may be excused.} from service during a time or times specified in writing and not exceeding in the aggregate three months in any one jury year when sufficient cause therefor is shown. At any time for which a juror is duly drawn and notified he may be so excused only by the judge presiding at the term and part for which he is drawn. At any other time he may be so excused by the commissioner of jurors. The commissioner of jurors shall provide a box in addition to the two boxes mentioned in section ten hundred and ninety-seven of this act and shall therein and in neither of the other boxes deposit all, and only, the ballots containing the names of jurors excused pursuant to this section. A ballot containing the name of any juror so excused shall not be kept in said box during the time for which he is so excused. The third box to be provided under this section shall be dealt with next after the non-voters box and all the ballots be drawn therefrom before any of the ballots in the box known as the voters box shall be drawn.

^{Names of excused jurors, where kept.}

§ 2. This act shall take effect immediately.

Chap. 45.

AN ACT to legalize bonds of the village of Painted Post to be issued for the purpose contemplated by chapter four hundred and eighty-three of the laws of nineteen hundred and four and to legalize all proceedings in relation thereto, including the appointment and proceedings of the board of river commissioners thereunder and the special election of the inhabitants of said village held thereunder on the twenty-fifth day of June, nineteen hundred and four.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of
trustees
confirmed.

Section 1. The action of the president and trustees of the village of Painted Post in the county of Steuben in appointing Daniel F. Lane, Herbert L. Hollister, John S. Moran, James D. Orcutt and Decatur M. Sayles to be commissioners under and pursuant to chapter four hundred and eighty-three of the laws of nineteen hundred and four, without specifying their respective terms of office, is hereby legalized, ratified and confirmed. The

Appointment and
acts of
river com-
missioners
confirmed.

said persons so appointed are hereby declared to constitute and have been from the time of their appointment the board of river commissioners of the village of Painted Post with all the rights, powers and duties conferred by the statute aforesaid on said board, and their acts in determining and fixing their respective terms of office; and all other acts and proceedings of the persons so appointed while acting or assuming to act as the board of river commissioners of the village of Painted Post under the aforesaid statute; and all their acts and proceedings had, done and taken by them for the purpose of issuing and selling bonds of the village of Painted Post to the amount of twelve thousand five hundred dollars as contemplated by said statute and each and every of said acts, deeds and proceedings are and each and every of them is hereby legalized, ratified, confirmed and declared to be valid. The special meeting of the qualified electors of said village held therein on the twenty-fifth day of June, nineteen hundred and four, and the proposition adopted at said meeting in favor of incurring the liability contemplated by chapter four

Special
election
legalized.

hundred and eighty-three of the laws of nineteen hundred and four, as well as all proceedings had in relation thereto prior to and including said special meeting, and notwithstanding the omission of any of the requirements of the said chapter in the manner of holding said election and canvassing and declaring the result thereof, or otherwise, are and each of them is hereby legalized, ratified and confirmed. The board of river commissioners of the village of Painted Post constituted as aforesaid are hereby authorized to execute, issue and deliver the bonds of the village of Painted Post to the amount not exceeding twelve thousand five hundred dollars, pursuant to the resolutions and proceedings of said board already had, and the said bonds when so issued, executed and delivered are hereby declared to be legal and valid obligations of the said village of Painted Post, and the said bonds and all proceedings heretofore had relating to the issue and sale thereof are and each of them is hereby ratified and declared valid. Issue of bonds authorized.

§ 2. The board of trustees of the village of Painted Post shall provide for the payment of the principal and interest of said bonds so issued as and in manner prescribed in section thirteen of chapter four hundred and eighty-three of the laws of nineteen hundred and four. Payment of bonds.

§ 3. This act shall not effect any action or proceeding now pending.

§ 4. This act shall take effect immediately.

Chap. 46.

AN ACT to amend the religious corporations law, relative to filling vacancies in offices of church wardens and vestrymen.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to religious corporations, constituting

* So in original.

chapter forty-two of the general laws," as amended by chapter three hundred and fifty-eight of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 32. Corporate trustees, vestry; powers and duties thereof.—No meeting of the vestry or trustees of any incorporated Protestant Episcopal parish or church shall be held unless either all the members thereof are present, or three days' notice thereof shall be given to each member thereof, by the rector in writing either personally or by mail, or, if there be no rector or he be incapable of acting, by one of the church wardens; except that twenty-four hours' notice of the first meeting of the vestry or trustees after an annual election shall be sufficient, provided such meeting be held within three days after the election. To constitute a quorum of the vestry or board of trustees there must be present either:

1. The rector, at least one of the church wardens and a majority of the vestrymen; or

2. The rector, both church wardens and one less than a majority of the vestrymen; or,

3. If the rector be absent from the diocese and shall have been so absent for over four calendar months, or if the meeting be called by the rector and he be absent therefrom or he be incapable of acting, one church warden and a majority of the vestrymen, or both church wardens and one less than a majority of the vestrymen. But if there be a rector of the parish, no measure shall be taken, in his absence, in any case, for effecting the sale or disposition of the real property of the corporation, nor for the sale or disposition of the capital or principal of the personal property of the corporation, nor shall any act be done which shall impair the rights of such rector. The presiding officer of the vestry or trustees shall be the rector, or if there be none, or he be absent, the churchwarden who shall be called to the chair by a majority of the votes, if both the churchwardens be present; or the churchwarden present, if but one be present. At each meeting of the vestry or trustees each member thereof shall be entitled to one vote. The vestry shall have power to fill a vacancy occurring in the office of a churchwarden or vestryman by death, resignation or otherwise than by expiration of term, until the next annual election at which, if such vacancy would continue thereafter, it shall be filled for the remainder of the unexpired term. If vacancies exist in the offices of churchwardens or vestrymen

in such number that a quorum of the vestry or board of trustees is not in office at any time, the rector shall forthwith call a special election for the filling of such vacancies. If there be no rector the churchwarden longest in office shall call such special election. Notice of such special election shall be read by the rector, or if there be none, or he be absent, by the officiating minister or by one of the churchwardens, on the Sunday next preceding such election, in the time of divine service. If for any reason the usual place of worship of the parish be not open for divine service on such Sunday, such notice shall be posted conspicuously on the outer door of the place of worship for one week next preceding the election. Such notice shall conform to that required for an annual election. The provisions of section thirty-three of this chapter, relating to annual elections shall apply to such special election, except as inconsistent herewith. Such vacancies shall be filled at such election for the remainder of the unexpired terms. The vestry may, subject to the canons of the Protestant Episcopal church in the United States, and of the diocese in which the parish or church is situated, by a majority vote, elect a rector to fill a vacancy occurring in the rectorship of the parish, and may fix the salary or compensation of the rector.

§ 2. This act shall take effect immediately.

Chap. 47.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," in relation to salary of clerk of said city.

Accepted by the city.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-seven, of title five of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," is hereby amended so as to read as follows:

Certified
copies of
records,
etc., shall
be evi-
dence.

Duties of
clerk.

§ 37. Copies, printed or written, of all papers filed in his office and transcripts thereof, and of the records and proceedings of the common council, and copies of the ordinances of the city, certified by him under the corporate seal of the city, shall be evidence in all courts and places with like effect as the original would be if produced. The clerk shall serve upon all persons appointed to office under the provisions of this act, written notice of their appointment, as provided in section eleven of title three of this act, in the case of persons elected to office. In addition to the duties required of him by this act, he shall perform such other duties as may be reasonably required of him by the common council, or by the several boards of the city. In case of sickness or absence or disability of the clerk to act, the common council are authorized to appoint a clerk pro tempore, who on taking the required oath, shall possess the powers and perform the duties of clerk during the continuance of such absence or disability. The amount to be paid for the service of such pro tempore clerk shall be determined by the common council, and may be deducted from the salary of the city clerk. The city clerk shall hold office for one year, and for all services which he may be required to perform under this act, he shall receive a salary of twelve hundred dollars. But this section shall not apply until the expiration of the term of the present incumbent, so far as relates to the increase of salary.

§ 2. This act shall take effect immediately.

Chap. 48.

AN ACT to amend chapter one hundred and eighty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the New York state convention of Universalists," relative to the transfers of real estate.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter one hundred and eighty-eight of the laws of eighteen hundred and sixty-two, entitled

"An act to incorporate the New York state convention of Universalists," as amended by chapter three hundred and fifty-six of the laws of eighteen hundred and eighty and chapter three hundred and ninety-eight of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 8. The said New York state convention shall have full power and authority, and such power and authority is hereby given, to ^{Authority to acquire and sell real estate.} sell and convey any real estate that may be acquired by this act, or otherwise, and it may reconvey the title to any real estate which may be acquired whenever the said missionary board may so direct, or may sell and convey the title to any real estate whenever it may be recommended by said missionary board, but all the moneys shall be received and held in trust for the missionary, educational and charitable work of said convention, under the direction of said board, except if at any time during the next twenty years after such money or property has been received in manner aforesaid, the said real estate or money may be returned, and said property reconveyed to the same society, provided such society is duly organized as a Universalist society under the rules provided for the fellowship of societies under the said convention; and said conveyance shall be subject to such conditions as may be necessary in the judgment of the said state convention, in order to protect the denominational interests of the said state convention; after the expiration of twenty years from the time any property, real or personal, has been acquired under this act by the said convention, said property may be sold and conveyed, and the proceeds used in the judgment of said missionary board for any missionary, educational and charitable work within the state of New York, but said money and property shall always be held in trust in perpetuity, and the money shall be invested, and the interest annually only shall be expended, unless a reconveyance of the real estate or repayment of the money shall be made back to the society from which said money, or property may have previously been acquired.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT to amend the election law, relative to filling vacancies in nominations.

Became a law, March 9, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section sixty-six of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the elections, constituting chapter six of the general laws" as amended by chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-seven as amended by chapter ninety-five of the laws of nineteen hundred and one is hereby amended to read as follows:

Filling
vacancies,
manner of.

Subdivision 1. If a nomination is duly declined, or the attempt to nominate at a primary election results in a tie vote, or a candidate regularly nominated dies before election day, or is found to be disqualified to hold the office for which he is nominated, or if any certificate of nomination is found to be defective but not wholly void, the committee appointed on the face of such certificate of nomination, as permitted by sections fifty-six and fifty-seven of this act, may make a new nomination to fill the vacancy so created, or may supply such defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate, and such further information as is required to be given by an original certificate of nomination, except that where a certificate is filed pursuant to this section to fill a vacancy it shall not be lawful to select a new emblem or device, but the emblem or device chosen to represent or distinguish the candidate nominated by the original certificate shall be used to represent and distinguish the candidate nominated, as provided by this section. The certificate so made shall be subscribed and acknowledged by a majority of members of the committee, and the members of the committee subscribing the

New emblem cannot
be selected.

Execution
of certificate, filing
of, etc.

same shall make oath before the officer or officers before whom they shall severally acknowledge the execution of the said certificate that the matters therein stated are true to the best of their information and belief. Except in a case provided for in subdivision two of this section, the said certificate shall be filed in the office in which the original certificate was filed, at least six days before the election, if filed in the office of a town or village clerk; at least fifteen days before the election, if filed with the county clerk or the board of elections of the city of New York, or the city clerk of any other city; and at least fifteen days if filed with the secretary of state, and upon being so filed shall have the same force and effect as an original certificate of nomination. When such certificate is filed with the secretary of state, he shall, in certifying the nomination to the various county clerks and other officers, insert the name of the person who has been nominated as prescribed by this section, instead of that of the candidate nominated by the original certificate, or, if he has already sent forward his certificate, he shall forthwith certify to the proper clerks and other officers, the name of the person nominated as prescribed by this section, and such other facts as are required to be stated in a certificate filed pursuant to this section. When no nomination shall have been originally made by a political party, or by an independent body for an office, or where a vacancy shall exist, it shall not be lawful for any committee of such party or independent body authorized to make nominations, or to fill vacancies, to nominate or substitute the name of a candidate of another party or independent body for such office; it being the intention of this act that when a candidate of one party is nominated and placed on the ticket of another party or independent body, such nomination must be made at the time and in the manner provided for making original nominations by such party or independent body.

Certification
of nominations
to
county
clerks.

When
vacancies
cannot be
filled.

§ 2. This act shall take effect immediately.

Chap. 50.

AN ACT to legalize and validate certain acts of the electors of the town of Oswegatchie, Saint Lawrence county, New York, the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town.

Became a law March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts of
town clerk
confirmed.

Proceedings
of board of
supervisors
legalized.

Section 1. The acts of the town clerk of the town of Oswegatchie, Saint Lawrence county, New York, in calling a special town meeting of the electors of said town to vote upon a resolution for the raising of money for the improvement of the town hall in said town, held on the sixteenth day of April, nineteen hundred and four; the vote of the electors upon said resolution and the acts and proceedings of the board of supervisors of Saint Lawrence county in its resolution duly adopted on the eleventh day of May, nineteen hundred and four, allowing the issue of bonds in accordance with the vote of the said electors at said special town meeting, and the said town meeting so held and all other acts of the said town officers and said electors and the said board of supervisors relative to the raising of an appropriation of money for the improvement of the said town hall and the issuing of bonds therefor and the raising of money by taxation upon said town for the payment of said bonds and interest, are and each of them is hereby legalized, validated and made binding upon all parties concerned with the same force and effect as if each provision of the town, county and municipal law relative to the raising of funds upon the credit of municipalities had been fully observed.

Issue of
bonds
authorized.

§ 2. The supervisor of the said town of Oswegatchie is authorized to issue bonds of said town substantially as described in the resolution of the board of supervisors of Saint Lawrence county passed May eleventh, nineteen hundred and four, in amount not exceeding twenty thousand dollars, and in denominations not ex-

ceeding one thousand dollars each, bearing interest not to exceed the rate of four per centum per annum, payable semi-annually, one thousand dollars of which said sum shall mature on the first day of March, nineteen hundred and six, and one thousand dollars on the first day of March in each year thereafter until all of said bonds so issued shall become due and payable, and the town board of said town shall include among the moneys to be raised by taxation in said town in each year and the said board of supervisors shall cause the same to be levied and raised as other taxes in said town, a sufficient amount to pay the bond next maturing and all interest on all bonds unpaid as the same shall become due and payable.

§ 3. Each and every bond issued or which shall be issued under the authority of the said town meeting and the resolution of the said board of supervisors herein validated, are and shall be legal and valid obligations of the said town of Oswegatchie. Bonds shall be valid obligations.

§ 4. This act shall take effect immediately. But shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 51.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of mayor.

Accepted by the city.

Became a law March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and seventy-four of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as amended by chapter eight hundred and five of the laws of eighteen hundred and ninety-five, as amended by chapter five hundred and twelve of the laws of nineteen hundred and two, is hereby amended to read as follows:

Filling
vacancies
in certain
elective
offices.

§ 374. If a vacancy exist or occur in any elective office in the city, or in any ward, except that of mayor, councilman, alderman or supervisor, it shall within ten days be filled by appointment by the mayor, until and including the thirty-first day of December after the next general municipal election, at which election such vacancy shall be filled for the unexpired term. If a vacancy exist or occur in the office of alderman or supervisor, it shall be filled by the common council at a joint session of the boards composing the same by a viva voce vote. A joint session for such purpose shall be called by the mayor. The term of the alderman or supervisor so elected to fill such vacancy shall continue until and including the thirty-first day of December after the next general municipal election, at which election an alderman or supervisor shall be elected to fill the unexpired term. An alderman or supervisor so elected by the common council to fill a vacancy shall be a resident of the ward in which the vacancy occurs, and the person so elected by the common council must be of the same political party as the alderman or supervisor whose place he is elected to fill. If a vacancy exist or occur in the office of councilman, it shall be filled by election by the board of councilmen until and including the thirty-first day of December after the next general municipal election, at which election a councilman shall be elected to fill the unexpired term. If a vacancy exist or occur in the office of mayor, the president of the board of councilmen shall act as mayor, and possess all the rights and powers and perform all the duties of mayor until and including the thirty-first day of December, after the next general municipal election, at which election a mayor shall be elected to fill the unexpired term. While acting as mayor the president of the board of councilmen shall not serve as a member of the board of councilmen.

Powers of
president of
board of
aldermen
when office
of mayor is
vacant.

§ 2. This act shall take effect immediately.

Chap. 52.

AN ACT to amend chapter two hundred of the laws of nineteen hundred and three, entitled "An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office," in relation to the appointment of clerks.

Became a law March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter two hundred of the laws of nineteen hundred and three, entitled "An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office," is hereby amended to read as follows:

§ 8. There shall be one abstract clerk and one deputy clerk to be appointed by the county clerk, and the said board of supervisors shall have power to designate such number of assistants as may be necessary for the prompt and faithful discharge of the duties of the office; said county clerk shall appoint such number of assistants as shall be designated by the said board of supervisors and he shall be responsible for the official acts of said clerks and assistants; the salaries of the abstract clerk and deputy clerk and assistants shall be paid in the same manner as the salaries of other county officers are paid; the salary of the abstract clerk shall be fixed by the board of supervisors.* at not more than twelve hundred dollars per annum, and the salary of the deputy clerk shall be fixed by the board of supervisors at not more than seven hundred dollars per annum, and the salaries and compensation of the assistants shall be fixed by the board of supervisors.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 53.

AN ACT to change the name of "The East Avenue Presbyterian Church of the City of Schenectady" to "The State Street Presbyterian Church of the City of Schenectady."

Became a law March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name
changed.

Section 1. The name of The East Avenue Presbyterian Church of the City of Schenectady, a religious corporation, is hereby Changed to "The State Street Presbyterian Church of the City of Schenectady," and as such shall enjoy and exercise all the rights and powers it has heretofore possessed.

Rights not
impaired by
this act.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation, made, entered into, or incurred before the passage of this act, with or to any person or persons, corporation or corporations, with or to said corporation, or any proceeding instituted, or may be instituted, to enforce any contract, obligation, liability or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent, and liable to be enforced by and against said corporation by the name of "The State Street Presbyterian Church of the City of Schenectady" in the same manner as if the alteration contained in said act had not been made.

§ 3. This act shall take effect immediately.

Chap. 54.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line.

Accepted by the city.

Became a law, March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title one of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," is hereby amended so as to read as follows:

§ 1. The territory within the following limits shall continue to be and constitute the city of Cohoes: Commencing at a point in the centre of the south branch of the Mohawk river, in the bounds of the town of Watervliet, in the county of Albany, immediately east of the south line of the farm owned May nineteenth, eighteen hundred and sixty-nine, by Cornelius L. Tracy and Sarah M. Gould, running thence westerly along the said line to the center of the Erie canal; thence northerly along the center of said canal to the north line of said farm; thence westerly along said north line to the west bounds of said farm; thence in a direct line to the east line of the highway near the residence, in eighteen hundred and sixty-nine, of Francis T. Lansing, now deceased, in said town, at a point immediately east of the center of the bridge over the Sout-kill or Salt-kill, at that point; thence northerly along the east line of said highway to its intersection with the highway leading from Cohoes falls to the Bought; thence northerly along said line extended until it strikes the boundary line between the farms, owned May nineteenth, eighteen hundred and sixty-nine, by Isaac D. F. Lansing and Sarah Miller, both

now deceased; thence along said boundary line northeasterly to the easterly line of the Erie canal; thence northerly along said line of the Erie canal to a point where it strikes the line between the lands of the Cohoes company, and the lands owned as aforesaid by said Isaac D. F. Lansing; thence northeasterly along said last mentioned line in a direct line to the boundary line between the counties of Albany and Saratoga, in the Mohawk river; thence easterly along the said boundary line between the counties of Albany and Saratoga, to the boundary line between the counties of Albany and Rensselaer, in the Hudson river; thence southerly along said last mentioned line to a point in the Hudson river, east of the mouth of the middle sprout of the south branch of the Mohawk river; thence westerly along the center line of said middle sprout to the center of said south branch; thence southerly along the center of the same to the place of beginning; being the limits of said city, as heretofore existing.

§ 2. Title twelve of said chapter six hundred and seventy-one is hereby amended by the addition of a new section, to be known as section four, and to read as follows:

Improve-
ment of
highways,
payment of
expense of.

§ 4. The city of Cohoes shall pay to the town of Colonie, one-half of all the expenses which said town shall be put to in improving, repairing and maintaining the highway forming the westerly boundary of said city, upon the presentation of the same to the common council of said city, itemized and in writing and duly verified in the manner provided by section one of title twelve of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two. And said common council shall audit and cause the same to be paid in the same manner as is provided by law for auditing and payment of claims against said city. And said one-half of all such expenses shall be legal claims against said city of Cohoes and the payment thereof may be enforced in the same manner as all other legal claims against said city.

§ 3. This act shall take effect immediately.

Chap. 55.

AN ACT to amend chapter nine hundred and seventy-five of the laws of eighteen hundred and ninety-five, entitled "An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet," in relation to a part of the westerly boundary of said town.

Became a law March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter nine hundred and seventy-five of the laws of eighteen hundred and ninety-five, entitled "An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet," is hereby amended to read as follows:

§ 1. All that part of the present town of Watervliet in the Description county of Albany, not included within the limits of the village of West Troy and of the village of Green Island, is hereby separated from that part of the said town included within the said village, and erected into a separate town, with the addition of the following described lands, to wit: the highway and the lands forming the highway, running from the bridge over the Sout-kill or Salt-kill near the residence, in eighteen hundred and sixty-nine, of Francis T. Lansing, now deceased, northerly, and along the westerly boundary line of the city of Cohoes, to the intersection of said highway with the highway leading westerly from Cohoes falls, and known as Manor avenue, to be hereafter known and distinguished as the town of Colonie.

§ 2. This act shall take effect immediately.

Chap. 56.

AN ACT to legalize and to provide for the payment of bonds of the village of Tuckahoe in the county of Westchester, directed to be issued for the improvement of Washington and a portion of Breckenridge streets in said village.

Became a law March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings
of board
of trustees
legalized.

Section 1. The proceedings of the board of trustees of the village of Tuckahoe in the county of Westchester, relating to the borrowing on the faith and credit of said village, the sum of seven thousand one hundred and ninety-two dollars and ninety-two cents, to pay the expense of improving Washington and a portion of Breckenridge streets in said village, in accordance with propositions adopted by the qualified voters of such village, and the issuance of the bonds of said village, as security for the payment of said sum, are hereby legalized, ratified and confirmed, notwithstanding the omission of any lawful requirement from such propositions, or from the issuance of such bond.

Bonds
made valid
obligations.

§ 2. The bonds of said village, so directed to be issued, amounting to the sum of seven thousand one hundred and ninety-two dollars and ninety-two cents, consisting of fourteen bonds of the denomination of five hundred and thirteen dollars and seventy-eight cents each, dated December first nineteen hundred and four, and payable one bond on the first day of December nineteen hundred and eight, and one bond on the first day of December in each succeeding year until all are paid, which were sold in pursuance of such proceedings, on the twentieth day of December nineteen hundred and four to the person offering to take them at four and one-quarter per centum per annum payable semi-annually, at not less than par, that being the lowest rate of interest bid for said bonds, are hereby legalized and declared to be valid and subsisting obligations of said village.

§ 3. The board of trustees of said village of Tuckahoe, in the manner provided by law, shall cause such sums to be collected annually, by tax, as may be necessary to pay the interest and

principal of said bonds, until the said bonds and the interest are fully paid.

§ 4. Nothing herein contained shall be construed to affect any litigation now pending.

§ 5. This act shall take effect immediately.

Chap. 57.

AN ACT to confirm the election and all proceedings of the voters and board of trustees of the village of Clinton to establish an electric lighting system in said village and for the sale of bonds for that purpose.

Became a law March 14, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The election held in the village of Clinton, September twenty-six, nineteen hundred and four, at which a proposition was adopted to establish an electric lighting system at an expense not to exceed seven thousand dollars, and a proposition was adopted to borrow so much of said sum as might be necessary to construct such system, upon the bonds of the village payable in twenty equal annual installments with interest thereon not exceeding five per centum per annum, and to raise by annual tax the moneys to pay the installments on said bonds and interest as the same should fall due, and the resolution of said board of trustees adopted at its meeting held November ninth, nineteen hundred and four, for the issuance of said bonds and the sale thereof, and all proceedings by said board of trustees for the establishment of said system, the issuance of said bonds, the sale thereof and the application of the proceeds thereof, be and the same are hereby ratified and confirmed and shall be deemed legal and in conformity to law, and said bonds when executed and disposed of pursuant to said resolution shall be legal and valid obligations of said village.

village
election
confirmed.

Proceedings
of board of
trustees
confirmed.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 58.

AN ACT to amend chapter seventeen of the laws of nineteen hundred and three entitled "An act to authorize the city of Jamestown to acquire and maintain a water supply system," in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents.

Accepted by the city.

Became a law, March 14, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter seventeen of the laws of nineteen hundred and three, entitled "An act to authorize the city of Jamestown to acquire and maintain a water supply system" is hereby amended by adding thereto a new section to be known as section twelve-a, as follows:

§ 12-a. The board of water commissioners may pay to the city treasurer from the water rent fund, for his services in receiving the water rents, such sum as it may deem a proper compensation therefor, not exceeding, however, one per centum of the water rents paid to him. Such sum shall be additional to any other sums to which the city treasurer shall be entitled by law and shall not be computed upon the sum assessed by the board of water commissioners upon the city for fire protection pursuant to section eight of this act.

§ 2. This act shall take effect immediately.

Chap. 59.

AN ACT to legalize the special election of the village of Montour Falls, held for the purpose of voting upon the question of raising moneys to carry on the excavation of Catherine creek, and to authorize such village to issue notes pursuant to a proposition adopted thereat.

Became a law, March 15, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special election of the village of Montour Falls, county of Schuyler, called by the board of trustees and held upon

Special
election
legalized.

the twenty-fourth day of December, nineteen hundred and four, at which election a proposition for the raising of a sum of money not to exceed three thousand dollars, as will be necessary to finish the excavation on Catherine and Deckertown creeks, and empowering and authorizing the trustees of said village to borrow same, was submitted and adopted; which election was called and conducted in accordance with the provisions of the village law, is hereby legalized and shall be deemed to be as valid and binding as if the provisions of the charter of such village had been complied with in all respects. All the acts and proceedings of the board of trustees of such village based upon the proposition so adopted at such election are hereby legalized and confirmed. The board of trustees of such village of Montour Falls is hereby authorized to issue notes thereof in the amount stated in the proposition submitted to and adopted at such special election, notwithstanding any provisions to the contrary contained in the charter of such village and the acts amendatory thereof.

Acts of
board of
trustees
confirmed.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 60.

AN ACT to amend section sixteen hundred and seventy-one of the code of civil procedure, relating to the filing and cancellation of notices of pendency of action.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen hundred and seventy-one of the code of civil procedure is hereby amended to read as follows:

§ 1671. Where a notice of the pendency of an action may be filed, as prescribed in the last section, the pendency of the action is constructive notice, from the time of so filing the notice only, to a purchaser or incumbrancer of the property affected thereby, from or against a defendant, with respect to whom the notice is directed to be indexed, as prescribed in the next section. A person, whose conveyance or incumbrance is subsequently executed,

Effect of
notice.

Effect in
other
actions.

Application
to cancel
notice.

Order for
deposit or
under-
taking.

Amount of
of under-
taking.

or subsequently recorded, is bound by all proceedings taken in the action, after the filing of the notice, to the same extent as if he was a party to the action. In any action, other than an action to foreclose a mortgage or for the partition of real property or for dower, in which a notice of the pendency thereof has been filed, and in which it shall appear to the court upon a motion made as hereinafter provided, that adequate relief can be secured to the plaintiff by a deposit of money, or in the discretion of the court by the giving of an undertaking, as hereinafter provided, where the cancellation of such notice is not otherwise expressly provided for or regulated, any defendant or any other person having an interest in the property affected by the action, may apply for the cancellation of such notice. Such application shall be by motion made in the action upon notice, to be directed and approved by the court, to all the parties to the action and to such other persons as the court may direct. If the court on the hearing of the motion shall decide that adequate relief can be secured to the plaintiff and that the case is one in which the judgment sought to be enforced against the real property mentioned in said notice of pendency of action may be secured by the deposit of the amount claimed or by the giving of an undertaking, the court may make an order directing that the applicant make a deposit in court of a sum of money, or in the discretion of the court, give an undertaking with at least two sufficient sureties for the payment of any amount which the party filing such notice of pendency of action, or any other party to the action claiming an interest or lien upon such real property may recover in the action, and will pay the judgment sought to be enforced against said real property, in the event that a final judgment shall be recovered therein and conditioned for the performance of such other terms as the court may direct, and that thereupon, and upon such other terms, if any, as the court shall deem equitable, an order be made cancelling such notice of record. The sum required to be paid into court or the amount of the undertaking, shall be at least the amount claimed by the plaintiff or the value of the property affected by the action or the interest of the party filing such notice therein, with interest and costs, and if the court allow an undertaking to be given, a copy thereof with notice of filing of the same, shall be served upon the attorney for the plaintiff and upon such other parties as the court may direct and notice of not

less than two days of the justification of the sureties. Upon the deposit of the sum required into court, or if an undertaking is given, upon the approval of such undertaking by the court or a judge thereof and the compliance with such other terms as may have been imposed, the court may direct that the notice of pendency of action be cancelled of record by a particular clerk or by all the clerks with whom it is filed and recorded, which cancellation must be made by a note to that effect, on the margin of the record, referring to the order. Unless the order is entered in the same clerk's office, a certified copy thereof must be filed therein, before the notice is cancelled. After a notice of pendency of action has been cancelled as herein provided, neither the proceedings in the action, nor any judgment which may be rendered therein, shall affect the real property described in any notice of pendency which has been cancelled pursuant to the provisions of this section.

Cancellation of notice.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 61.

AN ACT to amend the tax law, in relation to the time of making assessment.

Became a law, March 15, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six entitled, "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter five hundred and twelve of the laws of nineteen hundred and by chapter three hundred and twenty-four of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 20. **Ascertaining facts for assessment.**—The assessors in each tax district may, by mutual agreement, divide it into convenient assessment districts not exceeding the number of such assessors. The assessors in each tax district shall annually between May first and July first, ascertain by diligent inquiry all the property

and the names of all the persons taxable therein, except that in towns containing an incorporated village having a population of more than ten thousand inhabitants according to the last state census the assessors may have from April fifteenth until July first to ascertain the taxable property and names of persons taxable in such town, and except that in towns containing an incorporated city having a population of more than ten thousand inhabitants according to the last state census where said city so situated shall have its own separate board of assessors, the town assessors may have from May first to July first to ascertain the taxable property and names of persons taxable in such towns.

§ 2. This act shall take effect immediately.

Chap. 62.

AN ACT to continue and extend the charter of the Suffolk county mutual insurance company.

Became a law, March 15, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two hundred and twenty-four of the laws of eighteen hundred and thirty-six, entitled "An act to incorporate the Suffolk county mutual insurance company," passed April thirtieth, eighteen hundred and thirty-six, is hereby extended, and the charter of such company and all provisions of law applicable thereto are continued in force, for the term of thirty years from and after the thirtieth day of April, nineteen hundred and six.

§ 2. This act shall take effect immediately.

Chap. 63.

AN ACT to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and eighty-six, entitled "An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same" in relation to boundaries.

Became a law, March 15, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and twenty-eight of the laws of eighteen hundred and eighty-six entitled "An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same" is hereby amended to read as follows:

§ 1. The following land and territory within the town of Waterford, county of Saratoga, state of New York, shall be and is hereby designated a fire district, namely: Beginning at a point in the westerly boundary of the lands of the Rensselaer and Saratoga railroad company in said town of Waterford where a line running parallel with and about one hundred and twenty-five feet distant northerly from the northerly line of Vanderwerken avenue extended easterly would intersect the same, and running thence westerly along said extended line parallel with and about one hundred and twenty-five feet distant northerly from said avenue in a straight course to the Mohawk river; thence southerly, easterly and northerly down and along the course of said river as it winds and turns to a point opposite the stream from the waste wier in the Champlain canal near the saw mills of William Burton's sons in said town; thence up and along the center of the course of said stream as it winds and turns to the center of the Champlain canal; thence westerly along the center of the Cham-

Boundaries
of fire
district.

plain canal to a point opposite the stream emptying into said canal on the northeasterly side of the cemetery; thence up and along the course of said stream as it winds and turns to a point in the westerly boundary of the lands of the Rensselaer and Saratoga railroad company aforesaid; thence southerly along the westerly boundary of the lands of said railroad company to a point in the northerly line of Cemetery avenue extended westerly; thence westerly along the northerly line of said Cemetery avenue thus extended five hundred and sixty-five feet to the northeast corner of Cemetery avenue and Columbus avenue as laid down on a map of the Davis villa sites, Northside, Saratoga county, made by G. D. Baltimore, civil engineer, November first, eighteen hundred and ninety-seven and filed in the office of the clerk of the county of Saratoga; thence southerly along the westerly line of said Columbus avenue as laid down on said map to the southerly side of Arch street as laid down on said map; thence easterly along the southerly line of said Arch street, as laid down on said map, to a point where said line of Arch street intersects the westerly boundary line of the land of the Rensselaer and Saratoga railroad company and thence southerly along the westerly boundary of the lands of the Rensselaer and Saratoga railroad company to the place of beginning.

§ 2. This act shall take effect immediately.

Chap. 64.

AN ACT to amend chapter two hundred and sixty-four of the laws of eighteen hundred and thirty-eight, entitled "An act to incorporate the village of Kinderhook, in the county of Columbia" relative to the boundaries of said village.

Became a law, March 15, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and sixty-four of the laws of eighteen hundred and thirty-eight, entitled "An act to incorporate the village of Kinderhook, in the county of Columbia" is hereby amended to read as follows:

§ 1. **Boundary lines.**—All that part of the town of Kinderhook, in the county of Columbia, which is contained within the following bounds, to wit, beginning at and on the northerly side of the Kinderhook creek, at a point where the division line between the town of Kinderhook and the town of Stuyvesant crosses said creek running thence northeasterly along the said northerly side of said creek and up the same to a stone pillar marked K-one-nineteen hundred and five located on the northerly bank of said creek and on the westerly line of the boundary of the village of Valatie, thence northwesterly along said westerly boundary line of the village of Valatie to another stone pillar marked K-two-nineteen hundred and five, thence in a straight line westerly to another stone pillar marked K-three-nineteen hundred and five, thence westerly or southwesterly in a straight line to another stone pillar marked K-four-nineteen hundred and five, thence westerly or southwesterly in a straight line to another stone pillar marked K-five-nineteen hundred and five, thence south or southwesterly in a straight line to another stone pillar marked K-six-nineteen hundred and five and placed on the northerly line of the highway leading from Kinderhook village to Stuyvesant Landing, and west or westerly from the highway or crossroad leading from the aforementioned highway to the Eikebush road, thence from said last mentioned stone pillar in a straight line south or southwesterly to the place of beginning shall hereafter be known and distinguished as the village of Kinderhook, and the inhabitants residing within the bounds aforesaid, shall hereafter, henceforth and forever be a body politic and corporate in fact and in name, by the name of the trustees of the village of Kinderhook, by which name they and their successors shall have perpetual succession and be in law capable of suing and being sued, impleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever; may adopt a corporate seal, change and alter it at pleasure, and shall be capable of purchasing, holding and conveying real estate and personal property for the public use of said village, with the consent of the taxable inhabitants as hereinafter expressed.

§ 2. This act shall take effect immediately.

Chap. 65.

AN ACT to amend chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-five, entitled "An act to incorporate the city of Amsterdam," generally.

Accepted by the city.

Became a law, March 15, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-three-l of chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-five, as amended by chapter two hundred and fifty of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

Annual
statement
of board of
education.

§ 83-i. Within twenty days after the first organization of the board of education hereby created, and on or before the first day of February in each year thereafter, said board of education shall prepare a statement of such sums of money as it may deem necessary for the following purposes, until the next annual statement, namely:

1. For the wages of superintendent and teachers, after applying all the public school and other moneys applicable thereto.

2. For the maintenance of a high school if one shall have been established, and the payment of the teachers thereof after applying such of the public school and other moneys as may be applicable thereto.

3. For the repairs of schoolhouses, outhouses and grounds, with their appendages and appurtenances.

4. For the purchase, repair, or improvements of school apparatus, books, furniture and fixtures.

5. For the purchase, maintenance and care of the school library, but not to exceed four hundred dollars in any one year.

6. For the rent of schoolhouses and rooms for school purposes, the purchase of fuel and lights, and to pay the contingent expenses of the district, including the wages of clerk, janitors, truant officers, and other assistants and employees, and incidental expenses.

Approval of
statement.

7. For such other purposes as required by the provisions of this act. Such statements shall, within the time hereinbefore specified, be presented to the mayor or acting mayor of said city, and

if he approve such statement, he shall sign it, and immediately file the same with the city clerk; if he does not approve any item therein, except the items hereinafter mentioned, which he cannot disapprove, he shall within two days return the same to the president or clerk of said board of education with his objections endorsed thereon or annexed thereto. The mayor or acting mayor of said city shall not have power or authority, however, to disapprove or veto any part, portion or item of such statement which specifies the amount of money deemed necessary for the payment of the salary and wages of the superintendent and teachers of said schools and the payment of the contingent expenses of said schools, but said board of education shall have the exclusive power and authority to fix and determine the amount of money necessary for the payment of said salary, wages, and contingent expenses. Said board shall then proceed to reconsider said statement, and if two-thirds of all the members then in office agree to pass the same, it shall stand as if approved by the mayor and shall be immediately filed with the city clerk. If two-thirds of the members of said board do not agree to sustain the statement as made, it shall be modified so as to conform to the views expressed by the mayor in his objections, and he shall then sign it and file it with the city clerk. If the mayor or acting mayor fails to sign the statement of moneys required, as herein provided, or fails to return such statement, with his objections thereto, to the board of education, within two days after its submission, said statement shall be filed with the city clerk in the same manner as if it had been approved. When such statement is filed with the city clerk, the common council of said city shall include the amount therein called for in the annual tax and assessment-roll for that year, and the amount so certified shall be collected and paid to the city treasurer who shall credit it to the general school fund of the board of education. All public moneys or public funds belonging or appropriated to the use of said district shall be paid to the treasurer of said city, who shall keep the same separate from the general fund of the city, and shall credit to each of the school funds the moneys or property belonging thereto. The board of education shall disburse all the funds of the said district by orders upon the city treasurer, signed by its clerk and countersigned by its president. Said orders shall be numbered consecutively, and shall specify the pur-

Reconsideration of statement.

Failure of mayor to sign or return statement.

Amount to be included in annual tax levy.

Disbursement of funds.

pose for which they are drawn, persons to whom payable, and the particular school fund to which they are chargeable. Upon the request from said board of education the city treasurer shall certify from time to time the balance remaining to the credit of said school fund or each separate fund thereof. Whenever any moneys are collected by or paid to the city treasurer for school purposes, it shall not be lawful for said treasurer to apply such money, or any part thereof, to any other purpose or object.

§ 2. Section eighty-three-j of such act as amended by chapter two hundred and fifty of the laws of eighteen hundred and ninety-five is hereby amended to read as follows:

Resolution
for new
buildings
and acqui-
sition of
sites.

§ 83-j. When the board of education shall determine by resolution that it is necessary to purchase any site, or any addition to any site, or erect any school building, or enlarge any school, any building already erected, it shall specify in such resolution the ward within which such site is to be purchased or building erected or enlarged, and the particular sum required for each separately. The board shall then deliver a certified copy of such resolution to the city clerk, notifying him that at the next subsequent election in said city the electors will be called upon to vote for or against such tax as the proposed expenditure will impose; and said city clerk shall embody such resolution in the notice of election that he is required by law to give of the next general city election. The board of education shall provide and deliver to the city clerk at the proper time sufficient printed ballots, for and against said tax, for the use of the electors, which shall be indorsed school tax, and shall be deposited in separate ballot box provided therefor and marked school tax. Upon the inside of such ballot shall be printed the several items or objects to be voted for or against. The inspectors shall canvass the said votes and make a statement thereof in respect to each item voted upon, and immediately file the same with the clerk of the board of education. Within three days following such election the board of education shall convene at its usual place of meeting, at eight o'clock in the evening, and the statement from each polling place shall be produced, and the board shall forthwith declare and make a certificate in writing of the result. In case a majority of the votes cast be in favor of any said taxes, the board of education shall have authority to borrow, upon the faith and credit of said city, the aggregate of the items having such majority, or any

Ballots.

Canvass of
votes.

Meeting to
determine
result.

part thereof, at any time before and until the same can be provided for according to law. In case the sum or sums so authorized to be raised shall exceed the sum of five thousand dollars, the board of education shall issue bonds or other evidence of indebtedness in such form as it may prescribe for such sum or sums at a rate of interest not exceeding five per centum per annum, and payable at the rate of not more than five thousand dollars of principal per year. Said bonds, or any part thereof, may be sold by said board of education in such manner as it may deem best, but not at less than the par value thereof. The board of education shall, on or before the first day of February in each year, file with the city clerk a statement of the amount necessary to be raised to pay the interest and principal that will become due during the ensuing year upon the bonds or obligations so issued by said board, and the common council shall include the same in the annual city tax and assessment roll for that year. Such amount shall be collected and paid to the city treasurer, and by him credited to the loan fund. The common council, upon receiving the certificate of the result of any such election from the board of education, at which any money was voted to be raised, shall include five thousand dollars of the amount so authorized to be raised, or any less sum which may have been so authorized, in the next levy and assessment roll for the collection of taxes in said city, except that whenever any such election may have been held, and money voted to be raised, there shall be outstanding and unpaid any bonds or evidence of indebtedness issued in accordance with the provisions of this section, the board of education shall borrow, and in the same manner hereinbefore provided, the whole amount voted at such election, but no bonds or other obligations shall be made to mature at such time as will make the amount to be raised by tax for this purpose, in any one year, exceed five thousand dollars of principal. This shall not be construed to affect any obligation made prior to the passage of this act. The board of education, after completing the work or other objects for which the said money may have been raised, may apply any unexpended balance that may remain to any object authorized or contemplated by this section.

When bonds
may be
issued.

Payment of
bonds.

Annual
amount to
retire
bonds.

§ 3. Section eighty-three-o of such act as amended by chapter two hundred and fifty of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

Superintendent of instruction, powers and report of.

§ 83-o. The superintendent of instruction of the city of Amsterdam shall confer with and act under the direction of the board of education of said city in performing the duties of his office. He shall, subject to the direction of said board, have general control and supervision of the public schools and the teachers thereof in said city, and shall on or before the third day of January, in each year, report in writing to the board of education as follows:

1. The whole number of schools within the jurisdiction of the board of education and their sanitary conditions.

2. The repairs or alterations, if any, that are necessary for such schools.

3. The condition of the school furniture, apparatus and books in the several schools, and the repairs or additions thereto that may be necessary.

4. The number of teachers employed in the several schools, and their efficiency, with suggestions as to the increase or decrease in the number thereof.

5. Number of pupils registered at each school and the average daily attendance.

6. Such changes in the curriculum of any or all of the schools as he may deem advisable.

7. As to the condition and management of the high school, if one shall have been established.

8. Such information in relation to the city schools as may be of interest to the people of the city of Amsterdam.

§ 4. This act shall take effect immediately.

Chap. 66.

AN ACT to amend the village law, in relation to the number of members of a municipal board.

Became a law, March 15, 1905, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-seven of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended to read as follows:

§ 67. **Municipal boards; consolidation.**—Upon the adoption of a proposition therefor a village may establish a municipal board, consisting of three or five members, possessing all the powers and subject to all the responsibilities of two or more of the boards named in this article. The members of such municipal board shall be appointed by the board of trustees for the terms of one, two and three years, respectively, if the board consists of three members; and for the terms of one, two, three, four and five years, respectively, if the board consists of five members. Upon the filing of the certificate of the adoption of such proposition, all the powers, duties and responsibilities of such separate boards are transferred to the municipal board, and all property, records, books and papers in the possession of such separate boards shall, within fifteen days after such consolidation, be delivered to the municipal board. If the village has only one of the boards provided in this article, the powers and responsibilities of one or more other boards, named therein, may be conferred upon such existing board by the adoption of a proposition therefor at an annual election, and thereupon such existing board shall possess all the powers and responsibilities of such other board or commission consolidated with it, and shall thereafter be known as the municipal board of the village. If at the time this amendment takes effect a village has a municipal board consisting of three members, a proposition for establishing therein a municipal board to consist of five members may be adopted, and thereupon the board of trustees shall appoint the two additional members of such board for such terms that the term of one member of such board will expire each year.

§ 2. This act shall take effect immediately.

Chap. 67.

AN ACT to change the name of "The Thomas asylum for orphan and destitute Indian children," to "The Thomas Indian school."

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of "The Thomas asylum for orphan and destitute Indian children," established on the Cattaraugus reser-

vation, in the county of Erie, is hereby changed and shall hereafter be known and designated as "The Thomas Indian school"; and wherever such name "The Thomas asylum for orphan and destitute Indian children," shall appear in any law, the name of "The Thomas Indian school" shall be substituted in place thereof.

§ 2. This act shall take effect immediately.

Chap. 68.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego" by authorizing the issue of bonds to provide for a supply of water from lake Ontario.

Accepted by the city.

Became a law, March 17, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five entitled "An act to revise the charter of city of Oswego," as amended by chapter seventy-six of the laws of nineteen hundred and two, is hereby amended by adding after section fifty-seven-a, a new section to be section fifty-seven-b and to read as follows:

Water
supply,
bonds for.

§ 57-b. The city of Oswego is hereby fully authorized and empowered, acting by the mayor and city chamberlain thereof, to issue its bonds to an amount not exceeding the sum of two hundred thousand dollars for the purpose of raising money to provide for a supply of water from lake Ontario for said city, said bonds to be signed by the mayor and city chamberlain. The city chamberlain shall place the money received from the sale of said bonds to the credit of the department of water of the city of Oswego and it shall be used by said department for the purpose hereinbefore stated. The term of payment of said bonds shall not exceed twenty years from the date of issue thereof, with interest thereon payable semi-annually at the rate of three and one-half per centum per annum. Said bonds shall be made payable in twenty equal

Term of
payment of
bonds.

annual payments of the principal with semi-annual interest as aforesaid from the date of issue thereof. The common council of said city shall provide a sinking fund, on the issuing of said bonds, for their redemption, and as soon as said mayor and city chamberlain shall certify to said body that said bonds are ready to be issued. Said city of Oswego, shall raise annually such sum as shall be necessary to make such annual payments of principal and interest as aforesaid as the same become due. Said city in addition to the power which it now possesses to raise money for all other purposes by taxation, shall have power to raise by a general tax annually and it shall be the duty of the common council of said city to levy and raise annually upon the real and personal property assessed for taxation in said city, and as a part of the general tax levy, such sum as may be necessary to provide for the payment of said bonds and interest, as aforesaid, and the city chamberlain is hereby required to make said payments of principal and interest on said bonds as the same become due. Section five of the general municipal law shall not apply to the issuance of said bonds.

Payment of
bonds.

§ 2. This act shall take effect immediately.

Chap. 69.

AN ACT to provide for the care, preservation and protection of the rock known as the "Seneca Indian council rock," in the town of Brighton, Monroe county, New York, and legalizing its existence in its present location.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Edwin C. Smith, A. Emerson Babcock, John T. Caley, Maria Hagaman and T. Franklin Crittenden, and their successors are hereby constituted a commission to be known as "The Seneca Indian council rock commission of Brighton, New York."

Commissioners.

§ 2. The commission herein provided for is vested with the power to maintain, protect and control the rock located in the highway known as East avenue in the town of Brighton, Monroe

Powers of
commission.

county, New York, and is authorized to take such action and expend such moneys as may be necessary to secure the title and ownership of said rock and the lands upon which the same is now located; to establish, erect and maintain such fences, guards, rails or other structures as may in their judgment be necessary for the preservation of said rock and its protection from injury and defacement, and to compile and obtain a complete history of said rock. Said commission is authorized to accept and receive such bequests, gifts, devises or contributions as may be made, to an amount not exceeding five hundred dollars, the income from which said commission may expend in the care, preservation and protection of such rock in such manner as shall be, in their judgment, best suited for that purpose.

Vacancies
in member-
ship.

§ 3. Vacancies in the membership of such commission shall be filled by the survivors thereof at an election by the surviving members of such commission to be held at a meeting called for that purpose. Such commission is authorized to enact such by-laws and rules as may be suitable for the government of its affairs, and shall annually elect a president, and a secretary and treasurer thereof.

Appropriation
by
town board.

§ 4. The town board of the town of Brighton, Monroe county, New York, may appropriate such moneys of the town of Brighton for the use and benefit of such commission in carrying out the provisions of this act as said town board may from time to time deem necessary and proper.

Exemption
of liability
of town.

§ 5. The existence of said rock and its retention in its present location is hereby legalized and ratified, and neither the town of Brighton nor said commission shall be liable in any manner for any damages which may occur by reason of the continuance of said rock in said highway, or for any acts of said commission in preserving and protecting said rock.

§ 6. This act shall take effect immediately.

Chap. 70.

AN AOT to amend the Greater New York charter, relative to the fund for street and park openings.

Accepted by the city.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-three of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 173. The fund heretofore established and accumulated in the treasury of the corporation known as the mayor, aldermen and commonalty of the City of New York, entitled the "fund for street and park openings," shall be continued in the corporation of the City of New York, as hereby constituted. The said fund for street and park openings shall consist of:

1. Whatever cash balance in said fund may upon January first, eighteen hundred and ninety-eight, be on deposit in the treasury of the corporation known as the mayor, aldermen and commonalty of the City of New York.

2. Whatever cash balances there may be upon January first, eighteen hundred and ninety-eight, in the treasuries or standing to the credit of the several municipal or public corporations or parts thereof which by this act are made part of the corporation of the City of New York and which said cash balances may be applicable to the payment of damages awarded by the commissioners of estimate and assessment in reports heretofore confirmed or hereafter to be confirmed in proceedings taken to open any street, road, avenue, boulevard, public square or place, park or parkway, or to acquire title to land required for any bridge, tunnel or approach thereto, and all the costs and expenses of such proceedings heretofore or hereafter taxed.

3. Such sums as may be raised by taxation in the City of New York, and the proceeds of such bonds as may be issued as by this act provided to meet the expense, in whole or in part, of any of the objects and purposes in the preceding subdivision of this section specified.

4. All money hereafter collected by the City of New York, as hereby constituted, for or on account of assessments made and confirmed and hereafter to be made and confirmed for opening any street, road, avenue, boulevard, public square or place, park or parkway, or for acquiring title to land required for any bridge, tunnel or approach thereto, wholly or partly within the limits of the several municipal or public corporations or parts thereof, which by this act, are made part of the corporation of the City of New York.

5. All moneys received from the sale of street and park opening assessment bonds or revenue bonds issued and sold under authority of section one hundred and seventy-four of this act. All such street and park opening assessments bonds shall when due be paid from the said fund for street and park openings and in case the said fund shall be insufficient for that purpose, it shall be lawful for the comptroller when thereto authorized by the board of estimate and apportionment, without the concurrence or approval of any other board or public body, to issue corporate stock of the City of New York for an amount sufficient to pay the street and park opening assessment bonds so falling due, as aforesaid; or the comptroller may, in his discretion, for such purpose, issue street and park opening assessment bonds in the manner provided in section one hundred and seventy-four of this act.

§ 2. Section one hundred and seventy-four of chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended to read as follows:

§ 174. From the said fund for street and park openings, and not otherwise, shall be paid all damages awarded by the commissioners of estimate and assessment in reports hereafter or heretofore confirmed in proceedings taken to open any street, road, avenue, boulevard, public square or place, park or parkway, or to acquire title to land required for any bridge, tunnel, or approach thereto in the city of New York, as hereby constituted, and all the costs and expenses of such proceedings heretofore or hereafter taxed. The person or persons to whom awards shall be made in such proceedings, wherein reports are or have been confirmed, and the person or persons in whose favor costs and expenses may be or have been taxed, shall not have an action at law against the City of New York for such awards, costs or

Payment of
costs and
damages for
opening
streets, etc.

Actions for
expenses.

expenses, but may require the officers of said city to raise, as hereafter provided, the money necessary to enable the comptroller to pay such awards, costs and expenses from the said fund, and thereafter compel the payment of such damages, costs and expenses from such fund. Whenever the amount of the damages awarded in any report, together with the costs of the commissioners and the charges and expenses, shall exceed the balance remaining in said fund after deducting all outstanding claims against said balance, the comptroller is authorized to raise by the issue and sale of special revenue bonds or in his discretion to raise by the issue and sale of street and park opening assessment bonds at not less than par for such periods as he may determine not exceeding ten years and bearing interest at a rate not exceeding four per centum per annum, such amounts as shall be necessary to pay such damages, costs and expenses, but not to exceed the amount of assessments remaining uncollected and a lien upon lands assessed for the benefit of street and park openings added to the amount of the assessments that remain to be imposed in proceedings in which the awards only have been confirmed; provided, however, that in each and every case in which by virtue of any existing statute or any statute hereafter enacted, or by virtue of any act or resolution heretofore or hereafter adopted by any board or body pursuant to any statute, the whole or any portion of the awards made in any proceeding, and of the costs and expenses thereof, are payable out of the fund for street and park openings and are not to be assessed upon the property benefited, but are to be borne and paid by the City of New York, the board of estimate and apportionment may, in its discretion, direct that the amount so to be borne and paid by said City of New York shall be raised by the issue and sale of corporate stock of the City of New York, and the comptroller shall thereupon issue and sell said stock at such times and in such amounts as may be necessary, and shall pay the proceeds thereof into said fund for street and park openings.

When
comptroller
may issue
bonds.

Expense
paid by
city.

§ 3. This act shall take effect immediately.

Chap. 71.

AN ACT to further amend the charter of the Union theological seminary in the city of New York.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The limitation of the amount of personal property which "the Union theological seminary in the city of New York" is, by existing statutes, authorized to acquire, hold, and dispose of, is hereby increased from five hundred thousand dollars to one million dollars, exclusive of the library, and of such professorships, scholarships, and lectureships, or other offices connected with the educational department of the seminary, as are now or may hereafter be from time to time endowed.

§ 2. This act shall take effect immediately.

Chap. 72.

AN ACT to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the tenth day of October, nineteen hundred and three, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings
of board of
trustees
legalized.

Section 1. The proceedings of the board of trustees of the village of Mohawk had at a meeting of said board held on the twenty-second day of September, nineteen hundred and three, and at various meetings thereafter, in relation to borrowing on the credit of said village a sum not exceeding thirty thousand dollars by

the issuance of bonds of said village, and the expenditure of the money so borrowed in improvements to the village water and lighting systems, and all other proceedings had by said board of trustees in any way relating thereto, including the special election held on the tenth day of October, nineteen hundred and three, and the proposition then submitted and voted upon, are hereby legalized, ratified and confirmed. The proposition so submitted, voted upon and adopted by the qualified electors of said village at such special election held on the tenth day of October, nineteen hundred and three, to authorize the board of trustees of the village of Mohawk to borrow on the credit of said village a sum not exceeding thirty thousand dollars and to issue bonds of said village therefor as the same should be needed for defraying the expense of constructing a new lighting station and improving the village water system, notwithstanding the omission of any lawful requirement from said proposition so submitted and adopted, and all acts and proceedings of the said board of trustees had and taken for the purpose of supplying the village of Mohawk with a new lighting system and improving the village water system and the issuance and sale of bonds to defray the expense thereof are hereby legalized, ratified and confirmed. The notice of sale of a portion of the authorized issue calling for sealed proposals to be delivered to the village clerk on or before July sixteenth, nineteen hundred and four, for the purchase of twenty-four serial bonds of five hundred dollars each, shall be deemed to have complied with section one hundred and twenty-nine of the village law, notwithstanding that said notice was published one day less than by said section required; and the award, sale and issuance of the said bonds to the bidder who offered, in compliance with said notice, to take the same at the lowest rate of interest shall be deemed a legal and valid sale and award, in full and sufficient conformity with all provisions of law applicable thereto, and the bonds so issued and sold are hereby declared to be legal and valid obligations of the village of Mohawk.

Special
village
election
legalized.

Notice of
sale of
bonds.

Bonds made
a legal
obligation.

§ 2. The board of trustees of the village of Mohawk is hereby authorized to issue and sell not to exceed six additional bonds of five hundred dollars each to the lowest bidder under said notice and at the same rate of interest so offered in all respects as if the said notice had advertised the sale of thirty instead of twenty-four serial bonds of five hundred dollars each, to be numbered

Issue of
additional
bonds au-
thorized.

from one to thirty instead of from one to twenty-four, inclusive, and the sale of a series of thirty bonds of five hundred dollars each to said lowest bidder at the rate of interest offered, to comply in all other respects with the provisions of section one hundred and twenty-nine of the village law, is hereby authorized under said notice of sale, and the bonds so authorized shall be legal and valid obligations of the village of Mohawk.

Payment of
bonds.

§ 3. The board of trustees of the village of Mohawk, in the manner provided by law, shall cause such taxes to be levied and collected as may be necessary to pay the principal and interest of said bonds as the same become due until the said bonds and interest thereon are fully paid.

§ 4. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court at the time this act takes effect.

§ 5. This act shall take effect immediately.

Chap. 73.

AN ACT to amend chapter five hundred and eighty of the laws of nineteen hundred and two entitled, "An act in relation to the municipal court of the city of New York, its officers and marshals," relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance.

Accepted by the city.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-nine of chapter five hundred and eighty of the laws of nineteen hundred and two entitled "An act in relation to the municipal court of the city of New York, its officers and marshals" is hereby amended to read as follows:

§ 29. Summons: attorney-general and corporation counsel may issue, et cetera.—In any and all actions brought in the name of the people of the state of New York by the attorney-general or in the name of the city of New York, or of any department, board, or officer thereof, by the corporation counsel of the city of New

York, as attorney for said city, or said department, board or officer thereof, to recover a penalty or penalties for the violation of any laws or ordinance, the summons may be issued out of said court by the attorney-general or by the corporation counsel in his own name without the same being subscribed by the clerk of the court where such action or actions are brought, and in such actions the attorney-general or the corporation counsel shall not be required to pay to the clerk of the court the fees in the action, but shall account therefor to the city treasurer and shall collect the same from the defendant, when judgment is recovered; and no fees or costs shall be demanded of the people of the state of New York or the attorney-general or of the said the city of New York, or any board or officer thereof in any such suit or proceeding.

§ 2. This act shall take effect immediately.

Chap. 74.

AN ACT to amend the navigation law, in relation to life preservers.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of chapter five hundred and ninety-two of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to navigation, constituting chapter thirty of the general laws", is hereby amended to read as follows:

§ 15. Life preservers, et cetera.—Every steam vessel or vessel propelled by machinery used in the transportation of passengers for hire, and every excursion barge or vessel towed, or partly towed and partly propelled by machinery, used in the transportation of passengers for hire, shall have a life preserver or life float for each passenger she is allowed to carry and for each member of her crew. At least one-half thereof shall be life preservers, and shall be made of good sound cork blocks, adjustable to the body of a person, with belts and shoulder straps properly attached, and shall be so constructed as to place the cork underneath the

shoulders and around the body of the person wearing it; each such life preserver to contain at least six pounds of good cork having a bouyancy of at least four pounds to each pound of cork, and the other half or part thereof may be life floats, to be constructed of dry pine plank, four feet long, two inches thick and twelve inches wide, with lines properly attached in such manner as to be convenient for use; and it shall be the duty of the inspectors to satisfactorily ascertain that every life preserver and such life floats are as herein required. Such life preservers and life floats shall be kept in convenient, accessible places in such vessel in readiness for immediate use in case of accident, and the places where the same are to be kept shall be designated in the inspectors' certificate, and also pointed out by printed notices posted in such places as the inspectors direct. Every such vessel shall carry in convenient places, at least ten buckets filled with water, with dip lines attached, and three axes in good condition; but the inspectors may, if they deem it necessary or proper, require a larger, or in case of very small vessels, permit a smaller number of buckets and axes.

§ 2. This act shall take effect immediately.

Chap. 75.

AN ACT to amend chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Schoharie and Schenectady counties farmers' mutual fire insurance association," and the several acts amendatory thereof, relating to insurance against loss by lightning, the kind of property insured, the officers of the corporation, the method of assessing and settling losses, and borrowing money to pay the same, and report of officers.

Became a law, March 17, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight as amended by chapter one hundred and fifty-four of the laws of nineteen hundred and two is hereby amended so as to read as follows:

§ 2. The corporation hereby created shall have power to insure against loss or damage by fire or lightning, dwellings, barns, sheds, wagon-houses, out buildings, schoolhouses and churches and the contents of said dwellings, barns, sheds, wagon-houses, out buildings, schoolhouses and churches, not situated in cities, and against loss by death, caused by lightning, for any live stock insured, anywhere on the premises, or on any lands leased rented or pastured by the insured in accordance with the constitution and by-laws heretofore adopted by said association, and hereby amended by this section, anywhere within the limits of said counties of Schoharie and Schenectady; and every policy so issued shall bind all the members of said corporation in the manner prescribed in the act hereby amended, and the amendments thereto. The constitution and by-laws of said association are hereby amended so as to permit insurance in accordance with said act as by this act amended.

Property insured against loss by fire or lightning.

Force of policies.

By-laws amended.

§ 2. Section three of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight is hereby amended so as to read as follows:

§ 3. The corporation hereby created shall choose by ballot, from its members annually, on the first Tuesday of May, not less than five, nor more than fifteen directors to manage the affairs of the corporation, who shall hold their office for one year, and until others are elected, and the directors so chosen shall elect from their number a president, vice-president, secretary, assistant secretary and treasurer, but the secretary or assistant secretary may also hold the office of treasurer, if the board shall by resolution so direct, and as such board shall direct.

Election of officers.

§ 3. Section four of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight is hereby amended so as to read as follows:

§ 4. The existing constitution and by-laws of the association hereby incorporated, shall not be changed save as by this act they are changed or amended, except at an annual meeting of the directors of said corporation and by the consent of a majority of the whole number of directors of said corporation; but in no case shall they be so changed as to affect the principle on which insurance may be affected under this act.

Constitution and by-laws, changes in.

§ 4. Section five of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight as amended by chapter

two hundred and twelve of the laws of eighteen hundred and seventy is hereby amended to read as follows:

Insurance
shall not
damage by
fire and
lightning.

§ 5. The directors of said corporation may issue policies, signed by their president and secretary, agreeing, in the name of the corporation hereby created, to pay all damages which may be sustained by fire or lightning, for a term not exceeding five years, by the holders of such policies, not exceeding the sum named in such policy; and every policy so issued shall bind all the members of said corporation in the manner prescribed in the act as hereby amended.

§ 5. Section six of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight is hereby amended to read as follows:

Undertakings
by
policy-
holders.

§ 6. Every person insured by this corporation, shall give his undertaking bearing even date with the policy issued to him, binding himself, his heirs and assigns, to pay his pro rata share to the company of all losses by fire or lightning, which may be sustained by any member thereof and also his pro rata share for salaries and contingent expenses; he shall also at the time of effecting such insurance pay such sum in cash for policy and survey, as the by-laws of said corporation may from time to time prescribe. The undertakings so executed, shall be filed by the secretary of the corporation, and duly entered in the minutes of the proceedings of said corporation; and the signing of an application to the corporation hereby created for insurance, by the applicant, shall be construed to be the signing of an undertaking within the meaning of this section, and in compliance therewith, and bind said applicant, his heirs and assigns upon the issue of a policy to him.

§ 6. Section nine of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight is hereby amended so as to read as follows:

Notice of
loss, and
proceed-
ings there-
under.

§ 9. Whenever any member shall sustain any loss or damage by fire or lightning, he shall within ten days give notice thereof to the secretary of this association; and it shall be the duty of said secretary to go himself or immediately notify one or more directors or agents of the association to repair to the place where the loss may occur and examine the extent of said loss. The person sustaining the loss shall then make out a bill of items of loss (if any) setting forth a statement of the quantity and value of

each and every article consumed or damaged and present the same with his affidavit thereunto to the board of directors at the next monthly meeting of the association, and the insured and such board (any three of which shall constitute a quorum) may agree upon the amount of the loss. In the event of a disagreement as to the amount of loss, the same shall be ascertained by two competent and disinterested appraisers, the insured and this association each selecting one and the two so chosen shall then select a competent and disinterested umpire. The appraisers together shall then estimate and appraise the loss, stating sound value and damage, and failing to agree shall submit their differences to the umpire. The award in writing of any two shall determine the amount of such loss, as per terms of their certificate of policy. The parties thereto shall pay the appraisers selected respectively by them, and shall bear equally the expense of the appraiser and umpire. The number of directors necessary to form a quorum for the purpose of making or ordering an assessment, made to meet any loss or losses, or to pay salaries and contingent expenses shall be three. The board of directors at any monthly or annual meeting may from time to time authorize its treasurer to borrow on the faith and credit of this corporation money to pay losses contingent expenses and salaries; and an assessment to meet and pay the same shall be made, levied and collected as specified in this act at least once in each year.

§ 7. Section ten of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight is hereby amended so as to read as follows:

§ 10. It shall be the duty of the secretary whenever an assessment has been completed, to cause a statement thereof, giving amount of loss, name or names of the insured, salaries and contingent expenses, and the amount of insurance of the company upon which the rate is fixed, with the rate per centum of assessment, to be printed and posted in the several towns, and the board of directors shall designate suitable persons as receivers, in the several towns, to receive the taxes assessed for the space of thirty, and not exceeding sixty days, at a rate not to exceed two per centum for receiving, or ten per centum for collecting said assessment, which moneys shall be paid over to the treasurer who shall give bonds for the faithful performance of the duties enjoined

Notice of
assess-
ments.

herein, and the moneys received by said treasurer shall be paid over by him to the person or persons entitled thereto upon the resolution of the board of directors.

§ 8. Section fifteen of chapter one hundred and fifty-five laws of eighteen hundred and sixty-eight is hereby amended so as to read as follows:

Annual
report of
secretary,
contents of.

§ 15. It shall be the duty of the secretary of the corporation, hereby created, to report annually the condition thereof, to the directors, which report shall contain the number of outstanding policies, the amount insured, the losses sustained during the year, the percentage of each assessment made, the amount of loss sustained, and by whom, together with such other information as the directors may require, which report shall be duly verified, and a copy thereof filed in the office of the clerk of each county herein named. The treasurer shall also report annually in writing to the board of directors, showing the amount of moneys on hand at the time of making the last report, the amount of moneys in items received and disbursed by him during the year and the financial condition of the association and such other information as the association may require, and which report shall be spread upon the secretary's books; and he shall also report at any regular meeting if the board of directors shall so desire.

§ 9. This act shall take effect immediately.

Chap. 76.

AN ACT to legalize the establishment of union free school district, number seven, of the town of Ramapo, Rockland county, and the acts of the voters, and the boards of education thereof, and the issuance and sale of certain bonds of said district.

Became a law, March 17, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Organisa-
tion of
district
legalised.

Section 1. The establishment of a union free school district, number seven, of the town of Ramapo, Rockland county, at a meeting of the qualified voters of such district, held on the twenty-seventh day of January, one thousand eight hundred and seventy-one, is hereby legalized, ratified and confirmed, and such district

is hereby declared to be, and to have been, a union free school district since such time, with the same force and effect, and with the same powers, and subject to the same liabilities, as though the provisions of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, as amended, and of other laws of this state, in force at the time such meeting was held, had been fully complied with.

§ 2. All acts and proceedings of the boards of education, and other officers, of such union free school district, and the legal voters thereof, at annual, or special meetings since the time of holding such meeting, are hereby legalized, ratified and confirmed, and shall be as legal and binding as though such district had been established pursuant to law.

Acts of
board of
education
declared
valid.

§ 3. All proceedings and resolutions had and adopted by the legal voters of such union free school district, at a special meeting held July twenty-ninth, nineteen hundred and four, authorizing the raising by tax the sum of twenty-two thousand dollars, in annual instalments, as follows: Six thousand dollars thereof in equal annual instalments of five hundred dollars, the first of said five hundred dollar annual instalments, to be due, and payable, in the year nineteen hundred and five; sixteen thousand dollars, the balance thereof, in equal annual instalments of two thousand dollars each; the first of said two thousand dollar instalments to be due, and payable, in the year nineteen hundred and seventeen, for the erection, on the present school-house site, of an eight room brick addition, to be annexed to the front of the present school building, with an assembly room, and for heating, ventilating, lighting and furnishing the same, and all proceedings of the board of education of such district, in calling, and publishing notice of such meeting, and all proceedings of said board of education, subsequent to said meeting of said voters, relative to the issue and sale of the bonds of said school district, in the sum of twenty-two thousand dollars, in anticipation of such tax, and to provide money for the purposes aforesaid, be, and are, in all respects, hereby authorized, ratified and confirmed, and said board of education is hereby authorized and empowered, in accordance with the said proceedings, and resolution of said voters, and the provisions of this act, to execute, and deliver said bonds.

Proceedings
of special
meeting
confirmed.

§ 4. Said bonds, when executed and delivered as aforesaid, shall be, and become, valid, and binding obligations of such union free

Bonds
made valid
obligations.

school district, number seven, of the town of Ramapo, Rockland county. This act shall not affect any action or proceeding now pending.

§ 5. This act shall take effect immediately.

Chap. 77.

AN ACT to legalize, and to provide for the payment of, bonds of Union free school district number five of the town of Cornwall, in the county of Orange, directed to be issued for the payment of the cost of erecting a new school-house in said district, and for the purchase of a new site for such school-house.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings
of board of
education
confirmed.

Section 1. The proceedings of the board of education of Union free school district number five of the town of Cornwall, in the county of Orange, and the proceedings of the inhabitants of said district qualified to vote at school meetings, relative to the selection of a new school site and the borrowing of the sum of twenty-eight thousand dollars for the payment of the same and the erection of a new school-house thereon, in pursuance of resolution, adopted by a majority of the inhabitants of said district present and voting at a special meeting thereof June fourteenth, nineteen hundred and four, and directing the issuance of the bonds of said district as security for the payment of said sum, are hereby legalized, ratified and confirmed, notwithstanding the omission of any lawful requirement from the notice of such special meeting, the resolutions adopted thereat, or from the proceedings of the board of education of said district directing the issuance of said bonds.

Bonds
declared
valid
obligations.

§ 2. The bonds of said Union free school district, so directed to be issued, amounting to the sum of twenty-eight thousand dollars, consisting of twenty bonds of the denomination of fourteen hundred dollars each, dated November first nineteen hundred and four, and payable one bond November first nineteen hundred and five, and one bond on the first day of November in

each succeeding year until all are fully paid, bearing interest at the rate of four per centum per annum, which were sold in pursuance of such proceedings on the first day of December nineteen hundred and four, are hereby legalized, and declared to be valid and subsisting obligations of said district.

§ 3. The board of education of said Union free school district, in the manner provided by law, shall cause such sums to be collected annually by tax, as may be necessary to pay the interest and principal of said bonds, until the said bonds and the interest thereon are fully paid. Payment of bonds.

§ 4. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 78.

AN ACT to amend chapter two hundred and sixty-one of the laws of eighteen hundred and fifty-two, entitled "An act to incorporate the New York College of Dental Surgery," changing its name, increasing the number of trustees, extending its powers to hold property, authorizing its consolidation with other institutions, relating to its by-laws and the conferring of degrees by such institution, and ratifying its consolidation with the New York dental school.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one, two and three chapter two hundred sixty-one of the laws of eighteen hundred fifty-two, entitled "An act to incorporate the New York College of Dental Surgery," as amended by chapter four hundred fifty-one of the laws of eighteen hundred seventy-nine are hereby amended to read as follows:

Section 1. William Taylor, J. C. Stewart, Daniel T. Jones and their associates; are hereby constituted a body corporate by the name of the college of dental and oral surgery of New York to be located in the city of New York for the purpose of promoting dental science and art and giving instruction in all departments of learning, science and the arts connected with dentistry. Incorporators.

Powers.

§ 2. The said corporation is empowered to hold and possess real and personal property to the amount of five hundred thousand dollars for the purposes of its incorporation and especially for the instruction of students of dentistry and the maintenance of a dental hospital for the purpose of clinical instruction and demonstration.

Trustees,
terms of;
filling
vacancies,
etc.

§ 3. William Carr, John Ames Mitchell, Mortimer L. Schiff, Washington L. Cooper, William A. Purrington, Clarkson Cowl, Edward W. Davis, Francis A. Wilson, Frederick Edey, John W. Boylston and William H. Hollister are hereby appointed trustees and directors of said corporation for the year ending December thirty-first, nineteen hundred and five, with power to fill any and all vacancies in the board of trustees, which said board, when full, may consist of sixteen members, who shall not be otherwise connected with the college, and the professors of said college who, *ex officio*, shall be trustees thereof. The term of office of a lay trustee hereafter chosen shall be one year, or until his successor is elected. The term of an *ex officio* trustee shall be during his continuance in his professorship. Any trustee shall be eligible for reelection.

§ 2. Sections four, five, six and seven of said act are hereby amended to read as follows:

Instructors.

§ 4. The board of trustees shall appoint professors, and other instructors as they may deem necessary, subject to removal by a vote of two-thirds of the members constituting said board.

Conferring
degrees.

§ 5. The board of trustees shall have power to grant and confer the degree "of doctor of dental surgery," upon the recommendation of the faculty of the college, with the concurrence of the regents, provided that the said degree shall not be conferred upon anyone who shall not have satisfactorily completed the course of preliminary and professional study required by the laws of the state of New York as prerequisite to the conferment of the said degree. As evidence of the conferment of its degrees, a diploma shall be given which shall be signed by the president and the secretary of the board of trustees and by the professors of the college and by the proper officers of the regents of the university of the state of New York, to which diploma shall be affixed the corporate seal of said college.

By-laws.

§ 6. The board of trustees, shall have power to make by-laws for the board and for the regulation of said college, consistent

with this charter and with general laws of this state, and to alter or amend said by-laws by a two-thirds vote of the members constituting said board at the time of the amendment, at any meeting following a regular meeting at which notice such amendment may have been given. The said corporation shall have power to affiliate or consolidate with any university or any other dental college or dental school of this state.

§ 7. The legislature shall have power to alter, amend or repeal this charter.

§ 3. The acts of the above named trustees in consolidating said college under the name of the New York college of dental and oral surgery with the New York dental school pursuant to an agreement between said institutions made on or about July twenty-first nineteen hundred and four and approved by the education department of the state of New York are hereby ratified and confirmed in all respects, except that the name of the consolidated institution shall be as hereinabove mentioned, the college of dental and oral surgery of New York.

Agreement
of consoli-
dation
confirmed.

§ 4. This act shall take effect immediately.

Chap. 79.

AN ACT to consolidate the consolidated corporation now existing under the name of The Mohawk and Hudson river humane society with the corporations known as The Saratoga society for the prevention of cruelty to children and The Columbia county society for the prevention of cruelty to children, and to define the powers and duties of the corporation as so consolidated.

Became a law, March 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The consolidated corporation created by chapter three hundred and fifty-one of the laws of nineteen hundred and four, under the name of The Mohawk and Hudson river humane society and The Saratoga society for the prevention of cruelty to children heretofore incorporated under and pursuant to chapter one hundred and thirty of the laws of eighteen hundred and

Societies
consoli-
dated.

seventy-five, and The Columbia county society for the prevention of cruelty to children incorporated under article five of the membership corporation law, being chapter forty-three of the general laws, are hereby consolidated and made one corporation under the name of The Mohawk and Hudson river humane society.

Powers and
rights of
societies.

§ 2. All powers, rights, assets or liabilities belonging to or existing against any one of said societies hereby consolidated at the time of the taking effect of this act shall remain in or continue against The Mohawk and Hudson river humane society, and all existing contracts heretofore entered into by either of said societies, shall be carried out according to their terms by The Mohawk and Hudson river humane society, which shall be liable for any breach thereof, and shall have the power of enforcing such contracts to the same extent as said consolidated societies or any one of them might have done. The Mohawk and Hudson river humane society shall have the same power to act within the county of Saratoga and the county of Columbia as if it had been incorporated under and pursuant to article five of the membership corporation law, chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, as the same has been amended, and its certificate of incorporation had been filed and the principal place for the transaction of its business had been located in the county of Saratoga and as if it had been so incorporated and its certificate of incorporation had been filed and the principal place for the transaction of its business had been located in the county of Columbia.

§ 3. This act shall take effect immediately.

Chap. 80.

AN ACT to amend the penal code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this state.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision sixteen of section six hundred and forty, of the penal code as added by chapter twelve of the laws of eigh-

teen hundred and ninety-nine is hereby amended to read as follows:

16. Any person, who in any manner, for exhibition or display, shall after the first day of September, nineteen hundred and five, place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement, of any nature upon any flag, standard, color or ensign of the United States of America or state flag of this state or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which after the first day of September, nineteen hundred and five, shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall, after the first day of September, nineteen hundred and five, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after the first day of September, nineteen hundred and five, shall have been printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or both, in the discretion of the court; and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action, or suit, in any court having jurisdiction, and such action or suit may be brought by or in the name of any citizen of this state, and such penalty when collected less the reasonable cost and expense of action or suit and recovery to be certified by the district attorney of the county in which the offense is committed shall be paid into the treasury of this state; and two or more penalties may be sued for and recovered in the same action or suit. The words, flag, standard, color or ensign, as used in this subdivision or section, shall include any flag, standard, color,

Use of
flag for
advertising
forbidden.

Penalty.

Words
"flag,"
"colors,"
etc., de-
fined.

Presump-
tive evi-
dence of
violation of
this section.

ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars; and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America. The possession after September one, nineteen hundred and five, by any person, other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful at any time by this section, shall be presumptive evidence that the same is in violation of this section, and was made, done or created after the first day of September, nineteen hundred and five, and that such flag, standard, color, ensign, or article, substance, or thing, did not exist on the first day of September, nineteen hundred and five.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 81.

AN ACT authorizing the city of Utica to borrow the sum of sixty thousand dollars for the purpose of completing the changing of the channel of the Mohawk river between said city and the town of Deerfield in Oneida county, for the acquisition of lands therefor, the payment of damages incurred thereby and expenses connected therewith, and to issue bonds therefor and providing for the payment thereof.

Accepted by the city.

Became a law, March 21, 1905, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Borrowing of money authorized, et cetera.—The city of Utica is hereby authorized and empowered to borrow, upon the credit of said city, the sum of not exceeding sixty thousand dollars, for the purpose of completing the changing of the channel of the Mohawk river between said city and the town of Deerfield,

in Oneida county, the acquisition of lands therefor, the payment of damages incurred thereby and for other expenses connected therewith, under the provisions of chapter ninety-three of the laws of eighteen hundred and ninety-one, and its amendments, and now in progress thereunder. The common council of said city may, from time to time, borrow on temporary loans and issue temporary loan bonds therefor, payable at such times and of such denominations and amount as said common council may determine, not exceeding in all the amount aforesaid. Said bonds shall be signed by the mayor and the city clerk, sealed with the seal of said city and bear interest at not exceeding four per centum per annum and shall mature within two years from the date of issue thereof and shall be disposed of at not less than par and the proceeds thereof, including premiums thereon, shall be deposited by the city treasurer in, and to the credit of, the Mohawk river improvement fund and kept therein and drawn therefrom as prescribed by sections nine and ten of said chapter ninety-three of the laws of eighteen hundred and ninety-one and its amendments.

§ 2. Certain moneys to be applied to payment of such loans and bonds; deficiency how raised and paid, et cetera.—All moneys hereafter received by said city, or by the commissioners in charge of said work under the provisions of said chapter ninety-three of the laws of eighteen hundred and ninety-one and its amendments, from

1. The New York Central and Hudson river railroad company for, or on account of, earth or other materials or property, sold or delivered to said railroad company under its contract with said city dated on or about December second, nineteen hundred and one and executed and acknowledged by the mayor and clerk of said city, on or about December thirtieth, nineteen hundred and one;

2. The Harries and Letteney company or its surety the Aetna indemnity company, on, or on account of, or by reason of, any contract or contracts, made by them or either of them, with said commissioners;

3. The said Harries and Letteney company, its said surety or either of them, in payment, satisfaction or settlement of any claim, demand, damages, or expenses, of said commissioners against said Harries and Letteney company or its said surety, by reason of the non-performance of any such contract or contracts made by them or either of them, with said commissioners;

4. The proceeds of any sale hereafter made by said commissioners, of any tools, machinery, apparatus, earth, materials or other real or personal property of any kind owned by, or the title to which now stands in the name of said commissioners shall be paid over to the treasurer of said city and be kept and deposited by him as a fund, separate and apart from all other funds of said city and shall be used solely for the payment and redemption of the bonds and loans, authorized to be made by this act. In case said moneys, in this section mentioned, shall be insufficient to pay in full said loans or bonds in the first section of this act mentioned, then the deficiency therein shall be paid by said city and the common council of said city is hereby authorized and directed, to issue, from time to time, the bonds of said city to the amount of such deficiency, payable within such time, not exceeding ten years from the date of such issue thereof, as the common council shall determine. Said bonds shall be executed by the mayor and city clerk under the corporate seal of the city and shall be issued at not less than par and shall bear interest at a rate approved by the common council not exceeding four per centum per annum, which interest shall be payable annually or semi-annually as the common council shall determine. The proceeds of said bonds shall be used solely in payment of such deficiency.

§ 3. Any and all acts or parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 82.

AN ACT to amend chapter fifteen of the laws of nineteen hundred and five, entitled "An act giving the consent of the state of New York to the purchase by the United States of land in the county of Orange for the purpose of increasing the water supply upon the United States military reservation at West Point."

Became a law, March 21, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of chapter fifteen of the laws of nineteen hundred and five is hereby amended to read as follows: "An act giving the consent of the state of New York to the acquisition

by the United States of America of land in the county of Orange for the purpose of increasing the water supply upon the United States military academy reservation at West Point."

§ 2. Sections one, two, three and four of said act are hereby amended to read as follows:

§ 1. The consent of the state of New York is hereby given to the acquisition by the United States of America by purchase or otherwise of any lands or water or of any rights or easements in lands or water in the town of Highlands, county of Orange and state of New York, at or adjacent to Popolopen creek in said county deemed by it necessary for the purpose of increasing the water supply for domestic and other uses to and for the government reservation and military academy at West Point, New York, and such consent is also hereby given to the acquisition by the United States of America of lands and water and rights in lands and water needed for the erection of any buildings or structures necessary to carry out such purposes and for the construction and maintenance of a pipe line or other conduits adequate to carry such water supply from the reservoirs erected or to be erected by the United States of America, upon the lands acquired by it for the purposes aforesaid to the said United States reservation at West Point, New York. Such lands, water and rights in lands and water and rights of way may be acquired by gift or by purchase, but in case the United States of America is unable to acquire the same or any part thereof by gift or by purchase from the owner or owners thereof or from any of them or if the owners thereof or any of them are unknown, infants or of unsound mind or non-residents or if for any other reason a perfect title cannot by agreement and conveyance be made to such lands or any part thereof, the United States of America is hereby authorized to have the said lands condemned for its use and benefit for the purposes aforesaid under and in accordance with the provisions of the statute of this state known as the condemnation law, and the United States of America by its lawfully appointed agents and officers is hereby authorized to enter upon any lands needed for the purposes aforesaid for the purpose of making surveys and ascertaining and determining the exact location and boundaries of any lands, water, rights in lands or in water to be acquired by the said United States of America under the terms hereof and needed for the purposes herein specified, subject, however, to

United States authorized to acquire lands for water supply for government reservation at West Point.

Acquisition of lands, etc., manner of.

liability to the owner of such lands for all actual damages done thereon, and the United States of America may hold, use, keep and own the said lands, water, rights in lands and waters and rights of way and exercise sole jurisdiction and control over the same and every part thereof subject, however, to the restrictions and conditions hereinafter mentioned.

Concurrent
jurisdiction
of the
state
retained.

§ 2. The said consent is given and the said jurisdiction is ceded upon the express condition, that the state of New York shall retain a concurrent jurisdiction with the United States of America in and over the said land, waters, rights in land and waters and rights of way so far as that all civil or criminal processes which may issue under the laws or authority of said state may be executed therein, in the same manner and to the same extent as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States of America.

Period of
exemption
from taxes.

§ 3. So long as said lands, waters, rights in lands and water, rights of way and franchises shall remain the property of the United States of America, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges, which may be levied or imposed under the authority of this state.

Cession of
jurisdiction,
when
effective.

§ 4. The cession of jurisdiction hereby made shall take effect upon the filing by the United States of America in the department of state of the state of New York of proper evidence of the acquisition of said lands, water, rights to lands and water and rights of way by the United States of America, either by agreement with the owners thereof, or in the mode provided by the laws of the United States of America or of the state of New York.

§ 2. This act shall take effect immediately.

Chap. 83.

AN ACT to provide for an enumeration of the inhabitants of this state, and making an appropriation therefor.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Enumera-
tion, when
to be
taken.

Section 1. An enumeration of the inhabitants of this state shall be taken during the months of May and June in the year nine-

teen hundred and five, and in said months every tenth year thereafter.

§ 2. During the months of May and June nineteen hundred and five, and every tenth year thereafter, the secretary of state shall appoint an enumerator for each election district of the state, as such election districts were constituted territorially, on the day of the general election held in the state in November of the year last preceding, unless he shall deem it best to assign more than one election district to the enumerator; but whenever in any city there is a county having more than one senate district, or which in the opinion of the secretary of state may under a new apportionment be entitled to more than one senate district, the enumeration of such county in said city shall be taken by blocks, enclosed by streets or public ways, and enumerators may be appointed for such blocks or for a part of such block or blocks or for more than one block. Said enumerator, when appointed, shall be a citizen of the United States and of the state of New York and shall have been a resident of the election or other district for which he is appointed, or of one of them, at least one year at the time of such appointment but, if no person qualified to perform, and willing to undertake the duties of enumerator, resides in the district, the secretary of state is authorized to appoint any competent person to act as enumerator.

Appoint-
ment of
enumera-
tors;
enumerators
districts.

Enumera-
tion taken
by blocks.

Qualifica-
tions of
enumera-
tors.

§ 3. The secretary of state shall issue to each enumerator a certificate of appointment under his hand, in which certificate the election or other district or districts assigned to the person so appointed shall be designated, and in which shall be set forth the boundaries of the election or other districts within which such duties are to be performed by him, and such certificate shall be delivered to the person appointed and shall be evidence of the facts therein contained and of his authority to act under the provisions of this act, and where copies of maps of such election or other districts are obtainable, the secretary of state shall secure two copies of the same, one of which shall be retained by him as a record of his office, and one furnished to the enumerator of such district or districts for his guidance.

Certificate
of ap-
pointment,
contents of

§ 4. It shall be the duty of the secretary of state before the first day of June, nineteen hundred and five, and in every tenth year thereafter, to forward to the enumerator appointed in and for each of the election or other districts of the state as herein-

Secretary
of state
shall for-
ward blank
schedules
and in-
structions
to enumera-
tors.

before described such number of the blank schedules or returns, and abstracts and copies of this act, together with such printed instructions as may be deemed necessary to properly and accurately take and complete an enumeration of the inhabitants of this state.

Interpre-
ters, ap-
pointment
and salary
of.

§ 5. The secretary of state may authorize and direct enumerators to employ interpreters to assist them in their respective election districts in the enumeration of persons not speaking the English language. The compensation of such interpreters shall be fixed by the secretary of state in advance, and shall not exceed three dollars per day for each day actually and necessarily employed.

Form of
oath for
enumerators
and
interpreters.

§ 6. Every enumerator or interpreter before entering upon his duties under the provisions of this act shall take and subscribe the following oath or affirmation before any officer authorized to administer oaths, who shall certify such attestation without charging any fee therefor: being duly sworn, says that he is more than twenty-one years of age; that he is a citizen of the United States and of the state of New York; that he is now and has been a resident of the block or election district (as the case may be; or if appointed outside of the block or district, give residence) of the in the county of state of New York for one year last past; that he has been duly appointed as the of said district for the purpose of taking an enumeration of the inhabitants of said election district or block (as the case may be) under the provisions of the law providing for the taking of a state enumeration of the state of New York during the year nineteen hundred and five; and that he will perform the duties of to the best of his ability; that the list of inhabitants so taken and enumerated by him together with their residence by street or avenue and the number thereof shall in all respects be a true and correct list of all the inhabitants of said election district or block; that he will in all cases, to the best of his ability correctly state in such list, which of the inhabitants, if any, set forth therein are aliens; that he will not intentionally increase, suppress or diminish the number of inhabitants of such election district numerically or otherwise for any purpose whatever in taking, making and completing such enumeration.

§ 7. In the case of the inability or neglect of any enumerator appointed under or by virtue of this act to perform his duties as required, the secretary of state shall have full power, and it shall be his duty forthwith, in the manner aforesaid, to appoint an enumerator to perform such service, and the secretary of state shall have full authority to confirm the accuracy of the enumeration of any district by such comparisons and investigations as a true enumeration demands.

Failure of
enumera-
tor to per-
form his
duties;
power of
secretary
of state.

§ 8. The secretary of state may remove any enumerator and fill the vacancy thus caused or otherwise occurring whenever it shall appear that any portion of the enumeration provided for in this act has been negligently or improperly taken, and is by reason thereof incomplete or erroneous, and such enumerator shall forfeit all claim to compensation. The secretary of state may also cause such incomplete, erroneous, inaccurate and unsatisfactory enumeration to be amended or made anew under such methods as may, in his discretion, be practicable.

Removal of
enumera-
tors;
amended
enumera-
tions.

§ 9. It shall be the duty of the secretary of state to appoint suitable persons to take the enumeration of the Indians residing on the several reservations in this state, who shall, in respect to such reservations, perform all the duties required of an enumerator by this act, and as the secretary of state in his instructions shall prescribe, for which service they shall be paid as other enumerators are compensated.

Enumera-
tion of
Indians.

§ 10. On such day in the month of May or June, nineteen hundred and five, as the secretary of state shall direct, every such enumerator shall proceed to enumerate truly and accurately the inhabitants residing in the election or other district or districts for which he shall have been appointed, together with the facts and statistics required by the population schedule or return, and such other schedules or returns as the secretary of state may determine. It shall be the duty of each enumerator to visit personally each dwelling-house in his election or other district and each family therein and each individual living out of a family in any place of abode, and by inquiry made of the head of each family or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this act as of such date in May or June nineteen hundred and five as so directed by the secretary of state. And in case no person

Date of
com-
mencing
enumera-
tion.

Duties of
enumera-
tors.

shall be found at the usual place of abode of such family or individual living out of a family competent to answer the inquiries made in compliance with the requirements of this act, it shall be lawful for the enumerator to obtain the required information from the family or families or person or persons living nearest to such place of abode. Every person whose usual place of abode shall be in any family on such date so prescribed by the secretary of state, shall be returned as of such family; and every inhabitant casually absent at the time of taking the enumeration shall be returned as belonging to that place in which he usually resides.

Persons enumerated.

Completion of enumeration, date of; returns.

It shall be the duty of each enumerator to complete the enumeration and all his official work and forward before July first, nineteen hundred and five, or on such earlier date as the secretary of state may direct, in duplicate by express or as otherwise directed carefully enclosed, so as to protect the returns transmitted, the original schedules or returns, duly certified to the secretary of state, stating the number of pages of which said returns consist. In making such enumeration he shall for the purpose of identification ascertain and include the sex, age, color, nationality, nativity, citizenship or alienage, Indians not taxed, and the occupation of each inhabitant with their residence by street and number, if any, or if there is no street and number, then such description as shall identify the place of residence as nearly as possible.

Returns, contents of.

Enumeration in counties or cities having more than one Senate district.

In any city, in a county having more than one senate district, or which in the opinion of the secretary of state may under a new apportionment be entitled to more than one senate district, the enumeration shall be taken by blocks enclosed by streets or public ways, as well as by street and number. In the event of discrepancies or omissions being discovered in said returns he shall use all diligence in correcting the same. In case the election or other district or districts assigned to any

Enumerators in districts embracing incorporated villages and cities with other territory.

enumerator shall embrace all or any part of any incorporated borough, city or village, and also other territory not included within the limits of such incorporated borough, city or village, or either, it shall be the duty of the enumerator of such election or other district to clearly and plainly distinguish and separate upon the population schedules or returns, the inhabitants of all or any part of such borough, city or village, as may be embraced in the election or other district assigned to such enumerator from the inhabitants of the territory not included therein.

§ 11. Any person being the head of a family or member thereof of the age of twenty-one years, who shall refuse to give to the duly appointed enumerator or interpreter of the election or other district wherein the person resides the information required by him relative to any of the particulars which such enumerator or interpreter is required to secure under the provisions of this act concerning such family or person, or who shall willfully give false information to such enumerator concerning the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and not less than fifty dollars.

Penalty for withholding information or giving false information.

§ 12. Any enumerator or interpreter who shall willfully omit, suppress, increase or diminish the number of inhabitants embraced within his election or other district from or on his enumerated list, schedule or return, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit all compensation as an enumerator or interpreter, and shall be sentenced to confinement in a penitentiary or jail for not more than three months.

Penalty for suppressing, increasing or diminishing number of inhabitants.

§ 13. If any enumerator shall neglect for three days after the thirtieth day of June, nineteen hundred and five, and in every tenth year thereafter, or for three days after having been directed so to do, to make his return as aforesaid, the secretary of state shall immediately proceed himself or dispatch a messenger to procure such return and duplicate, and the expenses thereof shall be deducted from the account of such enumerator upon the voucher presented by the secretary of state to the state comptroller for the payment of services. The secretary of state is authorized to require that the enumeration of the inhabitants of any district shall be completed within two weeks from the date fixed by him for commencing the enumeration in each of said years.

Completion of enumeration.

§ 14. In all counties of this state the sheriff, mayor or police commissioner of the city, or other officers having the control and direction of the police or other peace officers, shall render, and cause the police or other peace officers to render assistance and aid to the enumerators appointed under this act when so requested to do by the secretary of state, and, upon like request shall cause police officers or other peace officers to accompany such enumerators to any house or houses, place or premises for the purpose of rendering such aid and assistance.

Sheriffs, mayors, etc., shall assist enumerators if requested to do so.

Duplicate
returns to
be filed
with county
clerks.

§ 15. One of the duplicate returns shall be forwarded by the secretary of state to the county clerk of the county to which such returns relate, to be filed in, and become a record of such county clerk's office, within ten days after the secretary of state shall adjudge such final and complete returns to be accurate and satisfactory.

Report to
legislature
by secre-
tary of
state.

§ 16. The secretary of state after receiving such returns and adjudging the same to be complete and satisfactory, shall prepare and report to the legislature a general account of the enumerations specifying the result thereof as separately enumerated of the several election or other districts, villages, towns, counties, boroughs and cities of the state, also the number of inhabitants exclusive of aliens, with a full recapitulation of the whole, on or before the fifteenth day of January, nineteen hundred and six, a copy of which final and completed report shall be transmitted to the United States department of commerce and labor. In any city in a county containing more than one senate district, or which, in the opinion of the secretary of state, may be entitled to more than one senate district under a reapportionment, such report to the legislature shall show the result of such enumeration in such city, by blocks enclosed by streets or public ways.

Compensa-
tion of
enumerators.

§ 17. The compensation of enumerators shall be two dollars per day for each day actually and necessarily employed in making the enumeration and preparing duplicate copy of the returns, and one cent for each person enumerated in the return, provided however, that in towns in those counties included within the boundaries of the forest preserve, having less than one thousand inhabitants as shown by the last preceding census of the United States, the secretary of state may allow two cents for each person enumerated in the return. Such compensation shall be paid upon a verified account therefor rendered to the secretary of state, and approved by him and filed with the state comptroller, who shall draw his warrant upon the state treasurer therefor to be paid by the state treasurer from the funds as may be applicable thereto.

Preparation
of blanks
and tabula-
tion of
returns,
temporary
assistants.

§ 18. The secretary of state shall prepare and have printed all books, blanks, forms and instructions required for the taking of this enumeration and the returns thereof on terms most advantageous to the state, and shall tabulate and arrange the same for report and transmittal to the legislature and for publication,

and he may employ temporarily such assistants and clerks as may be required by the work of the enumeration and fix their compensation, and pay other expenses, except the publication of the full returns.

§ 19. A certificate under the hand and seal of the secretary of state as to the number of inhabitants of this state, or of any county, town, city or village, borough or election or other district thereof, as shown by the completed and approved enumeration taken under the provisions of this act, shall be received as conclusive evidence of the fact by each and every court of this state.

Certificate of secretary of state conclusive evidence of number of inhabitants.

§ 20. The sum of three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid by the state treasurer on the warrant of the state comptroller upon accounts approved by the secretary of state to carry into effect the provisions of the constitution and this act requiring an enumeration of the inhabitants of the state to be taken.

Appropriation for enumeration.

§ 21. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 22. This act shall take effect immediately.

Chap. 84.

AN ACT to legalize and confirm the proceedings of "the board of education of the village of Salem," and legal voters of union free school district number twelve of the town of Salem, Washington county, relative to the levy of a tax payable in installments and the issuance and sale of certain school bonds of said district.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All proceedings and resolutions had and adopted by the legal voters of union free school district number twelve of the town of Salem, in the county of Washington, at a meeting held February fourteenth, nineteen hundred and five, authorizing the making of additions, alterations and improvements to the struc-

Proceedings of school meeting legalized.

ture now occupied for school purposes in such district, and for the purchasing of fixtures and apparatus for such structure, and the levy of a tax in the sum of eleven thousand dollars, payable in installments, to provide money for the purposes hereinbefore set forth, and all the proceedings of the board of education of the village of Salem, in calling and publishing notice of such meeting, and all proceedings of such board of education subsequent to said meeting of voters, relative to said meeting, and the issuance and sale of the bonds of such school district in the sum of eleven thousand dollars to pay for school improvement in such district, be and are hereby in all respects authorized, ratified and confirmed. Such board of education is hereby authorized and empowered to prepare and issue bonds in the sum of eleven thousand dollars, and cause the same to be signed by the president and treasurer of the village of Salem, and duly attested by the clerk of said village under the corporate seal of the village of Salem. Such bonds shall not be sold below par nor at a rate of interest exceeding four per centum per annum, and the amount of money to be raised by tax, each fiscal year, for the purpose of retiring said bonds, shall be levied in the same manner as other sums for school purposes in the village of Salem.

Proceedings
of board of
education
confirmed.

Issue of
bonds
authorized.

Bonds shall
be valid
obliga-
tions.

§ 2. Said bonds, when executed and delivered as aforesaid shall be and become valid and binding obligations of such union free school district number twelve of the town of Salem, in the county of Washington, and the credit of the village of Salem is pledged for the payment of such bonds, principal and interest. All proceedings had by the board of education of the village of Salem, in accordance with the proceedings of the legal voters of such school district and the provisions of this act, be and are hereby in all respects ratified and confirmed. This act shall not affect any action or proceeding now pending.

§ 3. This act shall take effect immediately.

Chap. 85.

AN AOT to amend chapter four hundred and two of the laws of nineteen hundred and three, entitled "An act to repeal title eight of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said city.'"

Accepted by the city.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and six-e of chapter four hun- ^{New title.}
dred and two of the laws of nineteen hundred and three, entitled
"An act to repeal title eight of chapter one hundred and eighty-
two of the laws of eighteen hundred and ninety-two, entitled 'An
act to incorporate the city of Mount Vernon, and to insert therein
a new title relating to the police department of said city,' " is
hereby amended so as to read as follows:

§ 206-e. The police force of said city shall consist of a chief of ^{Police} police, two sergeants, a keeper, police surgeon, one roundsman, ^{force, mem-} the latter to be appointed from the patrolmen, by and shall hold ^{bers of:} his position at the pleasure of, the said police commissioner, and ^{appoint-} as many patrolmen as the said police commissioner may from ^{ments of:} time to time determine to be necessary. All the members of the ^{vacancies} police force now in office, to wit, the chief, sergeants, keeper, police ^{in.} surgeon, and patrolmen, shall upon the passage of this act, be transferred to the police force created by this act, without examination; and they shall retain their present rank and positions, unless promoted by the said police commissioner. All other members of the police force authorized by this act shall be appointed by the police commissioner hereby created, and all vacancies shall be filled by appointments of said police commissioner. No person shall be appointed to said police force who shall be over the age of thirty years at the time of his said appointment.

§ 2. This act shall take effect immediately.

Chap. 86.

AN ACT to authorize the common council of the city of Mount Vernon to use moneys now in the deficiency fund of said city to pay deficiencies in the sum appropriated for the support of the fire department.

Accepted by the city.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payments
from pro-
ceeds of
sale of
deficiency
bonds.

Section 1. The common council of the city of Mount Vernon is hereby authorized and empowered to pay out of the money now in the treasury of the said city being, the proceeds of the sale of deficiency bonds heretofore sold pursuant to authority granted by chapter forty-four of the laws of nineteen hundred and two entitled "An act to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of meeting temporary deficiencies" and acts amendatory thereof, any deficiency that may exist in the fund appropriated for the support of the fire department of said city for the fiscal years ending April thirtieth nineteen hundred and four and April thirtieth nineteen hundred and five, in an amount not to exceed in the aggregate the sum of three thousand dollars, or as much of said amount as may be necessary.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 87.

AN ACT to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of purchasing sites and erecting buildings for the use of the fire and police departments and to provide a sinking fund to pay principal and interest of said bonds.

Accepted by the city.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Mount Vernon is hereby authorized and empowered, by resolution of its body, to issue and sell bonds in the name, in behalf of and upon the credit of said city, in an amount not exceeding in the aggregate the sum of one hundred thousand dollars par value, so far as the same may be determined advisable and necessary by said common council, for the purpose of purchasing sites and erecting suitable buildings for the use of the fire and police departments of said city, and for no other purpose.

§ 2. Said bonds shall be issued in the name and under the seal of said city, signed by the mayor and comptroller thereof, and shall be for the sum of one thousand dollars each, with interest coupons attached. They shall be payable at such times, not less than twenty years nor more than thirty years from the date of their issue, as said common council shall determine, with interest payable semi-annually at a rate not exceeding four per centum per annum, and the principal and interest thereof shall be payable at the office of the treasurer of said city. They shall be numbered consecutively from one to the highest number issued, and shall be known and designated as "fire and police department building bonds," and be in such form as the common council shall prescribe, and shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity, and of the regularity of their issue; and the comptroller of said city shall keep a record of the number of each bond, its date, amount, rate of interest, when payable, and the name of the purchaser thereof.

Issue of
bonds
authorized.

Bonds,
manner of
issue of:
terms of,
etc.

Sale of
bonds.

§ 3. Said common council shall sell and dispose of said bonds, or any part thereof, at not less than par value and accrued interest, at public auction, or by sealed proposals, after giving at least ten days' notice thereof, such notice to be published at least once in each of the official newspapers of said city, and in some financial newspaper of general circulation published in the city of New York.

Payment of
bonds.

§ 4. While any bonds issued under this act shall remain unpaid, the treasurer of said city is hereby directed and required, out of the first one hundred thousand dollars in each year received by him from the moneys collected under the tax levy in such year, to deposit in such bank or banks, trust company or trust companies, as shall be designated by the common council, a sum not to exceed the amount now paid as annual rentals by the fire and police departments of said city, which sum shall not exceed six thousand dollars in any one year. Such moneys shall be deposited in the name and to the credit of the city of Mount Vernon, and all moneys so deposited shall be designated upon the books of the treasurer and comptroller of said city as "special sinking fund for payment of principal and interest of fire and police department building bonds," and the principal and interest on bonds issued under authority of this act shall be paid out of said fund, upon order of the common council. The common council of said city is forbidden to order any warrant drawn upon the moneys in the special sinking fund directed to be created by this act, except such warrant be for the payment of principal or interest upon bonds issued by authority of this act, and any alderman voting for, or any official signing or issuing any warrant or draft upon said special sinking fund except for the purpose authorized by this section shall be guilty of a misdemeanor, except that any balance remaining in said special sinking fund after the principal and interest on each and every bond issued under authority of this act shall be fully paid, shall be paid into the city treasury by direction of the common council.

Common
council
forbidden
to pay
moneys out
of fund
except as
authorized
by this act.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 88.

AN ACT to amend chapter five hundred and fifty of the laws of nineteen hundred and three, entitled "An act to amend chapter five hundred and thirty-seven of the laws of nineteen hundred and one, entitled 'An act to amend chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-four, entitled "An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of Westchester county and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,"' as amended by chapter four hundred and twenty of the laws of eighteen hundred and ninety-five and by chapter three hundred and ten of the laws of eighteen hundred and ninety-nine, relative to the powers and duties of sheriff."

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and fifty of the laws of nineteen hundred and three, entitled "An act to amend chapter five hundred and thirty-seven of the laws of nineteen hundred and one, entitled 'An act to amend chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-four, entitled "An act to regulate the commitment and discharge of certain prisoners, tramp, and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of the county of Westchester and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,"' as amended by chapter four hundred and twenty of the laws of eighteen hundred and ninety-five and by chapter three hundred and ten of the laws of eighteen hundred and ninety-nine," relative to the powers and duties of sheriff, is hereby amended as follows:

§ 1. The sheriff of Westchester county shall receive his fees and perquisites in all civil cases in which the same are to be paid by private persons and in addition thereto he shall receive an annual salary not to exceed the sum of ten thousand dollars to

Compensation of sheriff.

be fixed by the board of supervisors, to be paid quarterly by the treasurer of Westchester county, in full of all fees or other compensation from the county of Westchester; and he shall not receive from the county treasurer, any fees, compensation or perquisites of any kind or nature whatsoever excepting only his aforesaid salary from which he shall pay all such assistants other than those whose salaries are herein specifically provided for, as shall be proper to enable him to conveniently exercise the duties of his office and in consideration of which he shall do or perform all duties now or which may hereafter be imposed upon him by law and including the serving of subpoenas issued by the district attorney and all other services which have heretofore been performed by the sheriff of said county or his deputies which are a county charge without fee or reward from the county of Westchester although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor, but he shall be entitled to his actual disbursements for travel, lodging and food incurred while attending to the transportation of juvenile delinquents and any other persons whom he is required by law to transport, where the cost of such transportation is made by law a county charge. The bill for aforesaid disbursements shall be presented to and audited by the board of supervisors of Westchester county at their annual session. The sheriff shall appoint the following officers and shall receive from the county treasurer the following compensation therefor, namely, an under-sheriff whose salary shall be two thousand dollars a year; a counsel whose salary shall be fifteen hundred dollars a year; a clerk whose salary shall be twelve hundred dollars a year; an assistant clerk whose salary shall be nine hundred dollars a year; a jailor whose salary shall be twelve hundred dollars a year; an assistant jailor whose salary shall be nine hundred dollars a year; three deputy sheriffs each of whom shall receive a salary of fifteen hundred dollars a year; a day watchman at the jail whose salary shall be nine hundred dollars a year; a night watchman whose salary shall be nine hundred dollars a year; and a cook whose salary shall be five hundred dollars a year; which sums shall be paid in monthly installments. The said jailor in addition to his other duties to be prescribed by the sheriff shall keep under the supervision and direction of the said sheriff the jailor's docket of prisoners hereinafter mentioned. The said sheriff shall also appoint and at pleas-

Disbursements of sheriff.

Sheriff may appoint certain officers: their compensation.

Duties of jailor.

ure remove not exceeding fifteen constables or deputy sheriffs to attend upon the terms and sittings of the supreme court and county court in the county of Westchester and who shall perform such other duties as the sheriff may direct in and about the business of the said courts, and the care of the jail and the prisoners in the jail of said county, and who shall be entitled to as compensation to be paid by the county of Westchester, in monthly installments salaries at the rate of nine hundred dollars a year. No other charges shall be allowed or paid out of the treasury of the county of Westchester for attendance upon said courts.

Chap. 89.

AN ACT amending section one hundred and sixty-two of the town law relating to auditing town accounts.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-two of chapter twenty of the general laws, known as the town law, is hereby amended so as to read as follows:

§ 162. Meeting of town board for auditing accounts.—The meeting of the town board held on the Thursday preceding the annual meeting of the board of supervisors, shall be for the purpose of auditing accounts and allowing or rejecting all charges, claims and demands against the town. No member of the town board or board of town auditors shall present a claim or demand against the town for audit, which has been assigned to him by another. If any account is wholly rejected, the board shall make a certificate to that effect, signed by at least a majority of them, and file the same in the office of the town clerk. If the account is allowed, wholly or in part, the board shall make a certificate to that effect, signed by at least a majority of them, and if allowed only in part, they shall state in the certificate the items or parts of items allowed, and the items or parts of items rejected, and shall cause a duplicate of every certificate allowing an account, wholly or in part to be made. One of which duplicates shall be delivered to

the town clerk of the town, to be kept on file for the inspection of any of the inhabitants of the town; and the other shall be delivered to the supervisor of the town, to be by him laid before the board of supervisors of his county at their annual meeting. The board of supervisors shall cause to be levied and raised upon the town the amount specified in the certificate, in the same manner as they are directed to levy and raise other town charges.

§ 2. This act shall take effect immediately.

Chap. 90.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the several acts amendatory thereof and supplementary thereto, in relation to the annual assessment rolls.

Accepted by the city.

Became a law, March 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-eight of chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter three hundred and seventy-six of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

Assessment
rolls, con-
tents of
first part.

§ 138. The board shall prepare annual assessment rolls of each ward, which shall consist of two parts. The first part shall contain the valuations of all the taxable lands of each ward, and in it the board shall set down.

1. The names of the owners of the taxable lands, so far as the same can be ascertained.

2. A brief description of said lands by reference to the assessors' maps and surveys, and such further description as the board may deem proper.

3. The full and true value of said lands, exclusive of improvements.

4. The full and true value of the improvements on said lands.

5. The total value of said lands and improvements.

The board shall also set down in said rolls, the names of the owners of special franchises, such description of the special franchises as will be sufficient to identify them, and the value of the special franchises as fixed by the state board of tax commissioners. If the special franchise is located in more than one ward, it may be set down in the roll of any ward in which it is located. No tax on real property, or special franchises, shall be invalid by reason of any error or omission in naming the owner or owners in said roll, and no tax upon lands described by reference to the assessors' maps and surveys shall be invalid by reason of any error in the description of said land, if it is sufficiently definite to locate said land upon the assessors' maps and surveys. The second part shall contain the names in alphabetical order of all the inhabitants of the city, corporations and associations, deemed taxable in each ward upon personal estate, and opposite to each shall be set down the full value of his or its taxable personal estate. It shall complete the rolls on or before the second day of January in each year, and thereupon publish a notice in the official paper, twice a week for two weeks, that said rolls have been completed, and may be seen and examined at its office until a day specified in said notice, not less than twenty days from the first publication thereof. The rolls shall be open to public inspection during such time.

Special
franchises.

Contents of
second
part.

§ 2. Section one hundred and forty of chapter one hundred and five of the laws of eighteen hundred and ninety-one as amended by chapter three hundred and seventy-six of the laws of nineteen hundred and one, and chapter one hundred and ninety-one of the laws of nineteen hundred and two, is hereby amended so as to read as follows:

§ 140. The rolls shall be carefully reviewed and corrected by the board. It shall make two copies of all rolls as revised and corrected, except that it shall not be necessary to include in said copies the separate valuations of said land and improvements, and shall attach thereto a certificate to the effect that they are correct copies of the rolls on file in the office of said board; and on or before the fifteenth day of February, it shall file one copy of each roll in the comptroller's office, and shall deliver one copy of each roll to the clerk of the board of supervisors on or before the first day of October, which shall be the assessment rolls of the several wards for city, county and state purposes.

Review and
correction
of rolls.

§ 3. This act shall not apply to assessment rolls prepared by the board of assessors for the purpose of raising taxes for the fiscal year beginning July first, nineteen hundred and five.

§ 4. Except as provided in section three, this act shall take effect immediately.

Chap. 91.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of raising money to construct, maintain, extend, repair and regulate water works.

Accepted by the city.

Became a law, March 21, 1905, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
bonds
authorized.

Section 1. It shall be lawful for the city of Buffalo to issue its bonds in the sum of five hundred thousand dollars for the purpose of raising money to construct, maintain, extend, repair and regulate water works to supply its habitants with pure and wholesome water, such bonds to bear interest at a rate not exceeding four per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place; one-thirtieth thereof to be payable at the end of each successive year thereafter until the whole sum shall have been paid. Such bonds shall be issued from time to time, as may be ordered by the common council, by the mayor and comptroller, under the city seal, and shall be sold or awarded as provided in section four hundred and ninety-two of the charter. The common council shall make provision for the payment of the interest on and the principal of said bonds, as the same shall become due, in the water fund estimates for said city.

§ 2. This act shall take effect immediately.

Chap. 92.

AN ACT to amend the penal code, relative to the sale and possession of dangerous weapons.

Became a law, March 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and nine of the penal code, is hereby amended to read as follows:

§ 409. Making, et cetera, dangerous weapons.—A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a slungshot, billy, sandclub or metal knuckles, to any person or a person who offers, sells, loans, leases or gives any gun, revolver, pistol or other firearm or any air-gun spring-gun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor to any person under the age of sixteen years is guilty of a misdemeanor.

§ 2. Section four hundred and ten of the penal code, is hereby amended to read as follows:

§ 410. Carrying, et cetera, dangerous weapons.—A person who attempts to use against another, or who carries, or possesses any instrument or weapon of the kind commonly known as a slungshot, billy, sandclub or metal knuckles, or who with intent to use the same against another, carries or possesses a dagger, dirk or dangerous knife is guilty of a felony. Any person under the age of sixteen years, who shall have, carry or have in his possession in any public place any of the articles named or described in the last section which it is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor. Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city or village of this state, any pistol, revolver or other firearm without a written license therefor, theretofore issued to him by a police magistrate

of such city or village, or in such manner as may be prescribed by ordinance of such city or village shall be guilty of a misdemeanor. No person not a citizen of the United States, shall have or carry firearms or dangerous weapons in any public place at any time. This section shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen or to other duly appointed peace officers, nor to duly authorized military or civil organizations when parading, nor to the members thereof when going to and from the places of meeting of their respective organizations.

§ 3. This act shall take effect June first, nineteen hundred and five.

Chap. 93.

AN ACT to amend the code of civil procedure, in relation to court officers and attendants in the county court and surrogate's court, in the county of Erie.

Became a law, March 22, 1905, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-seven of the code of civil procedure, as amended by chapter five hundred and seventeen of the laws of nineteen hundred and three, and chapter seven hundred and forty-five of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 97. Sheriffs to notify constables, et cetera, to attend courts.—The sheriff of each county, except New York and Kings, must within a reasonable time before the sitting, in his county, of any term of court, notify, in writing or personally, as many constables or deputy sheriffs of his county, as he deems necessary, to appear and attend upon the term during its sitting. In addition to such constables, or deputy sheriffs, the justices of the supreme court of the eighth judicial district residing in the county of Erie, or a majority of them, shall, in their discretion, appoint and at their pleasure may remove one or more court officers, whose duty it shall be to attend at the justices' chambers and at special terms of the supreme court held in said county of Erie. The county judge and the surrogate of Erie

county may each appoint, and at pleasure remove, one court officer to attend their respective courts in said county, and to perform such duties in respect thereto as the said county judge and the surrogate may prescribe. Such officers shall possess all the powers of officers designated by sheriffs to attend upon such courts, and shall each receive a salary not to exceed one thousand two hundred dollars a year, to be paid in equal monthly payments by the treasurer of the county of Erie. The sheriff of said county of Erie shall not be required to attend or designate any officer to attend at justices' chambers or at special terms of the supreme court, or at any term of the county court and surrogate's court held in said county of Erie unless requested so to do by the justice, judge or surrogate presiding thereat. Each of the justices of the supreme court residing in Kings county may appoint and at pleasure remove, a clerk to such justice at a salary not exceeding two thousand five hundred dollars a year, to be raised and paid in the same manner as the salaries of attendants and officers.

§ 2. This act shall take effect January first, nineteen hundred and six.

Chap. 94.

AN ACT to amend the tax law, in relation to franchise taxes of insurance corporations.

Became a law, March 23, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighty-seven of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter four hundred and ninety-four of the laws of eighteen hundred and ninety-seven, and chapter one hundred and eighteen of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 187. Franchise tax on insurance corporations.—An annual state tax for the privilege of exercising corporate franchises or for carrying on business in their corporate or organized capacity

within this state equal to one per centum on the gross amount of premiums received during the preceding calendar year for business done at any time in this state, which gross amount of premiums shall include all premiums received during such preceding calendar year on all policies, certificates, renewals, policies subsequently canceled, insurance and reinsurance during such preceding calendar year, and all premiums that are received during such preceding calendar year on all policies, certificates, renewals, policies subsequently canceled, insurance and reinsurance executed, issued or delivered in all years prior to such preceding calendar year, whether such premiums were in the form of money, notes, credits, or any other substitute for money, shall be paid annually into the treasury of the state, in the year nineteen hundred and five on or before July first, and in all subsequent years, on or before the first day of June by the following corporations:

1. Every domestic insurance corporation, incorporated, organized or formed under, by, or pursuant to a general or special law;

2. Every insurance corporation, incorporated, organized or formed under, by, or pursuant to the laws of any other state of the United States, and doing business in this state, except a corporation doing a fire insurance business or a marine insurance business;

3. Every insurance corporation, incorporated, organized or formed under, by, or pursuant to the laws of any state without the United States, or of any foreign country, except such a corporation doing a life, health or casualty insurance business, and doing business in this state; but the tax on gross premiums of a corporation so incorporated, organized or formed and doing a fire or marine insurance business within the state shall be equal to five-tenths of one per centum. This section does not apply to a fraternal beneficiary society, order or association, a corporation for the insurance of domestic animals, a town or county cooperative insurance corporation, nor to any corporation subject to the supervision of or required by or in pursuance of law to report to the superintendent of banks; but this section does apply to an individual, or partnership, or association of underwriters known as Lloyds in so far as corporations doing the same kind of insurance business are subject to its provisions. The taxes imposed by this section shall be in addition to all other fees, licenses or taxes imposed by this or any other law, except that in assessing taxes

under the reciprocal provisions of section thirty-three of chapter thirty-eight of the general laws, credit shall be allowed for any taxes paid under this section. The term insurance corporations as used in this article, shall include a corporation, association, joint stock company or association, person, society, aggregation or partnership by whatever name known doing an insurance business in this state.

§ 2. Subdivision five of section one hundred and eighty-nine of such chapter, as amended by chapter one hundred and eighteen of the laws of nineteen hundred and one, is hereby amended to read as follows:

5. Insurance corporations.—Every insurance corporation liable to pay a tax under section one hundred and eighty-seven of this chapter, shall, on or before March first in each year, except in the year nineteen hundred and five and on or before the first of April in that year, make a written report to the comptroller of its condition at the close of its business on December thirty-first preceding stating the gross amount of all premiums, referred to in section one hundred and eighty-seven of this chapter, received during the preceding calendar year on business done thereby in this state during the year ending with such day and at all times prior thereto, whether the premiums were in money or in the form of notes, credits or other substitutes for money.

§ 3. This act shall take effect immediately.

Chap. 95.

AN ACT to authorize the comptroller of the state of New York to hear and determine the application of Charles S. Latham for the cancellation of tax sales of subdivision one of lot number two of great lot number four of the twenty-fourth allotment of the patent of Kayaderoseras, situated in the town of Corinth in the county of Saratoga.

Became a law, March 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the comptroller to hear and determine an application of Charles S. Latham for the

cancellation of tax sales of subdivision one of lot number two of great lot number four of the twenty-fourth allotment of the patent of Kayaderosseras, situated in the town of Corinth county of Saratoga and state of New York, and the said comptroller is hereby authorized to act upon said application in the same manner and with the same effect as if the application were made by the purchaser at the tax sale within the time prescribed by law.

Service of
notice of
hearing on
attorney-
general.

§ 2. Prior to the hearing of said application, the applicant shall cause to be served upon the attorney-general of the state a notice of said hearing; said notice shall be served at least fourteen days before the date of hearing.

§ 3. This act shall take effect immediately.

Chap. 96.

AN ACT to amend the lien law, in relation to contents of notice of lien.

Became a law, March 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section nine of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," is hereby amended to read as follows:

1. The name and residence of the lienor; and if the lienor is a partnership or a corporation, the business address of such firm, or corporation, the names of partners and principal place of business, and if a foreign corporation, its principal place of business within the state.

§ 2. This act shall take effect September first nineteen hundred and five.

Chap. 97.

AN AOT to amend chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five, entitled "An act to establish the Cornell university, and to appropriate to it the income of the sale of public lands granted to this state by congress, on the second day of July, eighteen hundred and sixty-two, also to restrict the operation of chapter five hundred and eleven of the laws of eighteen hundred and sixty-three," relative to the board of trustees.

Became a law, March 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The second section of chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five, entitled "An act to establish the Cornell university, and to appropriate to it the income of the sale of public lands granted to this state by congress, on the second day of July, eighteen hundred and sixty-two, also to restrict the operation of chapter five hundred and eleven of the laws of eighteen hundred and sixty-three," as amended by chapter eighty-seven of the laws of eighteen hundred and ninety-five and as further amended by chapter two hundred and thirty-eight of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows: Section amended.

§ 2. The board of trustees of said Cornell university shall hereafter be made up and constituted as follows: The governor, the lieutenant governor, the speaker of the house of assembly, commissioner of education, the president of the state agricultural society, the commissioner of agriculture, the librarian of the Cornell library, and the president of the said university, shall be trustees thereof ex officio, and the eldest lineal male descendant of Ezra Cornell shall be a trustee thereof during his life. There shall also be thirty elective trustees, twenty of whom shall be elected by the board of trustees, and ten by the alumni of said university; but at no time shall a majority of the board be of any one religious sect or of no religious sect. The fifteen members now constituting the elective members of the present board of trustees of said university shall continue to act as such until the Board of trustees, members of

Reorgani-
zation of
board of
trustees.

Meeting of
alumni,
election of
trustees at.

Terms of
office of
elective
trustees.

Election of
trustees,
manner of.

expiration of their respective terms of office. At the first commencement following the passage of this act the present board of trustees shall elect two trustees for a full term of five years each, and at the same time, or at any meeting of the board during the next academic year, the board of trustees shall elect ten additional trustees, two of whom shall serve for one year; two for two years; two for three years; two for four years; and two for five years; their respective terms being determined by lot under the direction of the board of trustees. And thereafter the board of trustees shall elect each year four trustees, and as many more as may be necessary to fill vacancies, among members elected by them caused by resignation or death. The alumni of said university shall meet annually in Ithaca, New York, on the day before commencement, and at the meeting held at the first commencement following the passage of this act the said alumni shall elect one trustee to serve for a full term of five years, the candidates therefor to be designated as candidates for a "full term," if nominations are made, and shall be so designated upon the ballots; and at the same time they shall elect five additional trustees, one for one year; one for two years; one for three years; one for four years; and one for five years; the respective terms of the said additional five trustees to be determined by lot under the direction of the board of trustees, after their election. And thereafter at the meeting of the alumni at each annual commencement said alumni shall elect two trustees, and as many more as may be necessary to fill vacancies arising from resignations or deaths among the number previously elected by them. Except as hereinbefore otherwise provided the term of office of each elective trustee shall be five years from the annual commencement at which he is elected; but if elected by the board of trustees at a meeting thereof during the academic year, his term shall then be five years from the commencement immediately preceding his election; but every trustee shall hold over until his successor is elected. The election of trustees by the board shall be by ballot, and fifteen ballots shall concur before any one is elected; and twelve shall constitute a quorum for the transaction of business. Who shall be alumni of said university shall be prescribed by its board of trustees. The election of trustees by the alumni shall be by ballot, and shall be conducted in the following manner and under the following provisions: A register of the signature and

address of each of the said alumni of the said university shall be kept by the treasurer of the said university at his business office. Any ten or more alumni may file with the treasurer, on or before the first day of April in each year, written nominations of the trustee or trustees to be elected by the alumni at the next commencement. Forthwith after such first day of April a list of such candidates shall be mailed by said treasurer to each of the alumni at his or her address. Each alumnus may vote by transmitted ballot for trustee or trustees to be elected by the alumni at any commencement, in accordance with such regulations as to the method and time of voting as may be prescribed by the alumni and approved by the trustees of the university or its executive committee. The candidates to the extent of the number of places to be filled having the highest number of votes upon the first ballot shall be declared elected, provided that each of said candidates has received the votes of at least one-third of all the alumni voting at said election; but if there shall be a failure to fill all or one or more of the vacancies, caused by expiration of term or otherwise, by reason of the fact that one or more candidates having the highest number of votes as above fail to receive the votes of at least one-third of the alumni voting, then and in that event such vacancies shall be filled by the alumni personally present at said meeting, the election being limited to candidates not elected on the first ballot, if there is a sufficient number thereof, having the highest pluralities, not exceeding two candidates for each place thus to be filled.

Filling
vacancies.

§ 3. This act shall take effect immediately.

Chap. 98.

AN ACT to amend the village law, relative to crosswalks and sidewalks.

Became a law, March 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-one of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-

seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," as amended by chapter three hundred and twenty-six of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 161. Crosswalks and sidewalks.—The board of trustees may construct and repair crosswalks upon the streets within the village. It may also construct and repair sidewalks upon such a street wholly at the expense of the village, or of the owners or occupants of the adjoining land, or partly at the expense of each, and may prescribe the manner of doing such work, and the kind of materials to be used therein. Upon the adoption of a proposition therefor in a village of the third or fourth class, all sidewalks shall thereafter be constructed and repaired wholly at the expense of the village. If a sidewalk is so required to be constructed or repaired wholly at the expense of the owners or occupants of the adjoining lands, a notice specifying the place and manner, and the time, not less than ten days, in case of a new walk, or not less than twenty-four hours in case of repairs, within which the sidewalk is required to be constructed or repaired, shall be served upon such owners or occupants. If an owner or occupant shall not construct or repair the sidewalk as required by the notice, the board of trustees may cause the same to be so constructed or repaired, and assess the expense thereof upon the adjoining land. If a sidewalk is to be constructed or repaired at the joint expense of the village and the owner or occupant, the board of trustees may cause the same to be constructed or repaired, and assess upon the adjoining land the proportion of the expense chargeable against the same; or it may direct the owner or occupant to contribute labor or materials therefor. If the lands of a turnpike company are used as a street in a village and the company collect tolls on its road, then the expense of constructing or repairing a sidewalk on so much of the street as is owned or controlled by the turnpike company, shall be chargeable against and assessed on the turnpike company, and the owners of the adjoining land shall not be chargeable therewith.

§ 2. This act shall take effect immediately.

Chap. 99.

AN ACT to legalize and provide for the payment of bonds of the town of Moreau in the county of Saratoga, directed to be issued by the board of supervisors of said county, for the purpose of defraying the cost of constructing a new bridge in said town.

Became a law, March 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The proceedings of the sole commissioner of highways and the town board of the town of Moreau in the county of Saratoga, in constructing a bridge and abutments and paving the roadway therefor, which bridge is located wholly in said town over the southerly channel of the Hudson river on the highway between the villages of Glens Falls and South Glens Falls, and the application of said town to the board of supervisors of said county for authority to borrow the sum of fourteen thousand nine hundred and forty-four dollars and thirteen cents, and to issue the bonds of said town as security therefor, to pay the extraordinary expenditures incurred on behalf of said town in the construction of said bridge and abutments and paving roadway, are hereby legalized, ratified and confirmed, notwithstanding the omission of any lawful requirement from such proceedings and application.

§ 2. The bonds of said town, directed to be issued by said board of supervisors in pursuance of such proceedings and application, amounting to said sum of fourteen thousand nine hundred and forty-four dollars and thirteen cents, dated February first, nineteen hundred and five, bearing interest at the rate of five per centum per annum, signed by the supervisor and town clerk of said town, consisting of thirty bonds numbered from one to thirty inclusive, of the denomination of five hundred dollars each, except bond numbered one which is of the denomination of four hundred and forty-four dollars and thirteen cents, and which by their terms become due and payable, bond numbered one February first nineteen hundred and six, bond numbered two February first nineteen hundred and seven, bond numbered three February first nineteen hundred and eight, and

Proceedings of commissioner of highways and town board legalized.

Bonds declared legal obligations.

two bonds as consecutively numbered February first in each year thereafter until February first nineteen hundred and twenty-one, when bonds numbered twenty-eight, twenty-nine and thirty become payable, and which have been sold subject to legality of issue, are hereby legalized and declared to be valid and subsisting obligations of said town.

§ 3. The board of supervisors of said county of Saratoga, in the manner provided by law, shall cause such sums to be collected annually, by tax, as may be necessary to pay the interest and principal of said bonds as the same become due.

§ 4. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 100.

AN ACT to amend the agricultural law, relative to foods adulterated with methyl or wood alcohol.

Became a law, March 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-five of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as added by chapter five hundred and twenty-four of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 165. Definition of adulterated or misbranded food.—In the case of confectionery, an article shall be deemed to be adulterated if it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health. In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contains any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sixth. If it contains methyl or wood alcohol, in any of its forms, or any methylated preparation made from it.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the state or territory in which it is manufactured or produced: Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: Provided, that the same shall be labeled, branded, or tagged so as to show the character and

constituents thereof: and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 101.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," relative to the removal of garbage and refuse matter, and raising money therefor.

Became a law, March 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Subdivision thirty-one of section three of title five of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," as amended by chapter two hundred and seventy-three of the laws of nineteen hundred and two, is hereby amended to read as follows:

Tax for
general
expenses.

31. To raise annually by tax, to be assessed upon the real and personal estate within said village, such an amount of money as they shall deem necessary, not exceeding the sum of three thousand dollars, which sum shall be expended by said trustees in liquidating the general expenses of said village. Such money shall be denominated the general fund. And also to raise annually by tax to be assessed upon the real and personal estate in said village such an amount of money as they shall deem necessary, not exceeding the sum of two thousand dollars, which sum, or so much thereof as may be necessary shall be expended by said trustees in the removal or destruction of garbage and

Garbage
fund.

refuse matter in said village. Such money shall be denominated the garbage fund. The board of trustees may provide for such removal or destruction by contract or otherwise in its discretion; if by contract it shall be let to the lowest responsible bidder after due notice of the letting of such contract, published once a week for two consecutive weeks in a newspaper published in such village.

§ 2. This act shall take effect immediately.

Chap. 102.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine entitled "An act to create a commissioner of jurors in the several counties of this state," as amended by section one of chapter two hundred and one of the laws of nineteen hundred and three.

Became a law, March 27, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, as amended by section one of chapter two hundred and one of the laws of nineteen hundred and three is hereby amended so as to read as follows:

§ 1. The office of commissioner of jurors is hereby established in and for each of the counties of Schenectady, Saratoga, Richmond, Queens and Niagara, and the board of supervisors in any other county of the state, may adopt a resolution at its annual or a special meeting called for that purpose, to establish the office of commissioner of jurors in such county. A copy of such resolution certified by the clerk of such board of supervisors, shall be filed in the office of the clerk of the county within ten days after its adoption and a certified copy thereof delivered within the same time to each of the officers herein authorized to appoint a commissioner of jurors for such county.

Office of
commissioner of
jurors
created.

§ 2. Subdivision four of section two of such chapter, as amended by section two of chapter two hundred and one of the

laws of nineteen hundred and three, is hereby amended to read as follows:

By whom
appointed.

4. If no supreme court justice resides in such county and such county has no separate surrogate, the county judge, district attorney and county clerk shall make the appointment. The first appointment shall be made in the counties of Saratoga and Schenectady within thirty days from the date this act shall take effect, and in the other counties to which this act applies within thirty days after the adoption of the resolution to establish the office. The officers herein authorized to appoint a commissioner of jurors in a county shall constitute a board for that purpose and an appointment of a commissioner by them must be in writing, signed by a majority of such officers and filed in the office of the clerk of the county.

§ 3. Subdivision three of section four of such chapter, as amended by section three of chapter two hundred and one of the laws of nineteen hundred and three, is hereby amended to read as follows:

Compensation of
commissioner in
certain
counties.

3. In counties having a population less than one hundred thousand a sum to be fixed by the resolution creating the office, except in the counties of Niagara, Saratoga and Schenectady, where it shall be fixed by the board which makes the appointment, not exceeding twelve hundred dollars.

§ 4. This act shall take effect immediately.

Chap. 103.

AN ACT authorizing the town board of the town of Oneonta to appropriate certain moneys to the Aurelia Osborn Fox memorial hospital society of Oneonta.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of the town of Oneonta is hereby authorized to appropriate and pay annually on or before June first, from the moneys received by the said town under the provisions of the liquor tax law, to the Aurelia Osborn Fox

memorial hospital society of Oneonta, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Oneonta, owned and conducted by said society, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such money shall be paid only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the town of Oneonta, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town of Oneonta shall make payment of such moneys to said hospital association when authorized and directed so to do by the said board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments or otherwise as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

Amount of
appropriation.

§ 2. This act shall take effect immediately.

Chap. 104.

AN ACT to amend subdivision one, of section twenty-four, of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, the liquor tax law, as amended by chapter three hundred and twelve of the laws of eighteen hundred and ninety-seven, relating to places in which the traffic in liquor shall not be permitted.

Became a law, March 30, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section twenty-four of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, as amended by chapter three hundred and twelve of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

1. In any building or upon any premises or lands established as a penal institution, protectory, industrial school, asylum, state

Places in which sale of liquor is prohibited.

hospital, state agricultural and industrial school, colony or institution established for the care or treatment of epileptics, or poorhouse, and if such building, premises or lands, other than a county jail or state prison, be situated in a town and outside the limits of an incorporated village or city, not within one-half mile of any building, premises or lands so occupied, provided there be such distance of one-half mile between such building, premises and lands and the nearest boundary line of such village or city.

§ 2. This act shall take effect immediately.

Chap. 105.

[AN ACT to authorize the issuance and sale of bonds of the town of Greenburgh, in the county of Westchester, New York, in the aggregate principal sum of two hundred and twenty-five thousand five hundred dollars to provide for the expense of repairing, grading and macadamizing certain roads and highways in said town, to provide for security to be given by the supervisor of said town, and to provide for the raising of taxes to pay the principal and interest on said bonds as the same become due.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds for
improvement
of
highways
authorized.

Section 1. The town of Greenburgh, in the county of Westchester, New York, is hereby authorized to issue from time to time its bonds in the aggregate principal sum of two hundred and twenty-five thousand five hundred dollars for the purpose of raising moneys to pay the expense of repairing, grading and macadamizing the following roads and highways in said town, to-wit: Central Park avenue between the southerly line of the village of White Plains and the northerly line of the city of Yonkers; Platt avenue, from the easterly line of the village of Ardsley to the property of Henry Seeley, in said town; Jackson avenue, from the Saw Mill river road to the Sprain road, and from the Sprain road to the northerly line of the city of Yonkers; Taxter road, from the road leading from Tarrytown to White

Plains, to the Irvington village line; the old Sprain road, from the Tarrytown and White Plains road, to the Yonkers line; the Lander road, from the Tarrytown and White Plains road at the fair grounds, to the Saw Mill river road; the old Tuckahoe road, from Central Park avenue opposite the Greenville hotel, crossing Platt avenue, to the Yonkers line; the issuance of which amount of bonds of said town for said purposes was authorized by the board of supervisors of the county of Westchester by an act of said board duly adopted March seventh, nineteen hundred and four, upon the application of said town pursuant to the vote of a majority of the qualified electors of said town at a biennial town meeting thereof held November third, nineteen hundred and three, which act, except as inconsistent herewith, is ratified and confirmed. Said bonds shall be designated "road bonds," shall be registered in form, shall be two hundred and twenty-five in number, two hundred and twenty-four of the denomination of one thousand dollars each and one of the denomination of one thousand five hundred dollars, shall bear date as of the first day of May, one thousand nine hundred and five, and shall be payable as follows: eight of said bonds of the denomination of one thousand dollars each on the first day of May in each of the years nineteen hundred and six to nineteen hundred and thirty-three inclusive and the bond of the denomination of one thousand five hundred dollars on the first day of May, nineteen hundred and thirty-three, and said bonds shall bear interest at the rate of four per centum per annum payable semi-annually. The said bonds shall be signed by the supervisor and the seal of the town shall be affixed and attested by the town clerk, and said bonds shall be in such form as said supervisor may determine and shall recite that they are issued pursuant to the authority of this act, which recital shall be conclusive evidence of their validity and the regularity of their issuance. The said bonds shall be sold from time to time by the supervisor of said town at public or private sale at not less than the par value thereof.

Bonds,
terms and
manner of
issue of.

§ 2. The supervisor of said town shall give an undertaking in the principal sum of one hundred thousand dollars to the town of Greenburgh to be approved by the town board as to the form thereof and the sufficiency of the surety or sureties, and said surety, or said sureties in the aggregate, shall justify in a sum not less than one hundred thousand dollars, which undertaking

Under-
taking of
supervisor.

shall be conditioned upon the faithful performance of the duty of said supervisor in issuing the aforesaid bonds and the lawful application of the funds arising therefrom, and of the funds which may be raised by tax for the payment thereof which may come into his hands.

Payment of
bonds.

§ 3. There shall be raised annually by tax upon the taxable property of the town of Greenburgh outside of the incorporated villages of Tarrytown, Dobbs Ferry, Ardsley, Hastings, Irvington, and that part of the village of White Plains lying within the town of Greenburgh, a sum sufficient to pay the interest on and principal of the said bonds as the same shall become due.

§ 4. Nothing herein contained shall be construed to affect any litigation now pending.

§ 5. This act shall take effect immediately.

Chap. 106.

AN ACT for the relief of the county of Yates, relative to the collection of uncollected taxes therein of the years eighteen hundred ninety-eight, eighteen hundred ninety-nine, nineteen hundred, nineteen hundred one, and nineteen hundred two, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Unpaid
taxes on
real
property
assessed in
certain
years.

Section 1. Every tax on any real property in the county of Yates, assessed in and for the years eighteen hundred ninety-eight, eighteen hundred ninety-nine, nineteen hundred, nineteen hundred one and nineteen hundred two, not assessed as non-resident lands, still remaining unpaid and uncollected, shall in no way be invalidated by reason of the failure, omission or neglect of any public officer to comply with any of the provisions of sections eighty-nine and one hundred fifty of chapter nine hundred eight of the laws of eighteen hundred ninety-six, known as the general tax law, and the acts amendatory thereof and supplemental

thereto; and all such taxes are, notwithstanding such failure, neglect or omission, hereby legalized, re-assessed and re-levied upon the property upon which the same were originally assessed and levied, and the same shall be a charge and lien upon such property for the amount of such tax, with interest thereon as provided by the tax law; and the county treasurer of said county is hereby authorized, empowered and directed to collect all such taxes that shall remain unpaid and uncollected on August first, nineteen hundred five, together with interest thereon and expenses, as provided by the tax law, by advertisement and sale of the lands upon which the same were originally assessed and levied in accordance with the terms and provisions of the tax law relative to the advertisement and sale of non-resident lands for uncollected and unpaid taxes thereon, which provisions of the tax law are hereby made applicable to the collection, by advertisement and sale, of such taxes in the county of Yates for the said years eighteen hundred ninety-eight, eighteen hundred ninety-nine, nineteen hundred, nineteen hundred one and nineteen hundred two.

Collection
of unpaid
taxes,
manner of.

§ 2. Every tax on any real property in said county of Yates for said years eighteen hundred ninety-eight, eighteen hundred ninety-nine, nineteen hundred, nineteen hundred one and nineteen hundred two of non-resident lands as such, shall in no way be invalidated by reason of the failure, omission or neglect of any public officer to heretofore advertise and sell such real property as provided by the tax law; and all such taxes are, notwithstanding such failure, neglect or omission, hereby legalized; and every such tax shall be a charge and lien upon the property upon which it was originally assessed and levied for the amount thereof, with interest as provided by the tax law; and such property shall still be subject to advertisement and sale for the payment of such taxes in accordance with the terms and provisions of the tax law; and the county treasurer of said county is hereby authorized, empowered and directed to collect all such taxes for the said years eighteen hundred ninety-eight, eighteen hundred ninety-nine, nineteen hundred, nineteen hundred one and nineteen hundred two, as shall remain unpaid and uncollected on August first, nineteen hundred five, together with interest thereon and expenses, as provided by the tax law, by advertisement and sale thereof, in accordance with the terms and pro-

Unpaid
taxes not
invalidated
by failure
to sell real
property.

visions of the tax law for the collection of taxes on non-resident lands.

§ 3. This act shall take effect immediately.

Chap. 107.

AN ACT to amend the Greater New York charter by exempting from levy and sale by virtue of an execution all pensions or annuities payable out of the public school teachers' retirement fund.

Accepted by the city.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and sixty-six of the laws of nineteen hundred and one, entitled "An act to amend the Greater New York charter, chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled 'An act to unite into one municipality under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn, and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof,'" is hereby amended by adding thereto the following section:

§ 1092-a. The moneys, securities and effects of the public school teachers' retirement fund, and all pensions or annuities granted and payable from said fund shall be and are exempt from levy and sale by virtue of an execution and from all process and proceedings to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claims against, or debt or liability of, any pensioner or annuitant of said fund.

§ 2. This act shall take effect immediately.

Chap. 108.

AN ACT to amend the highway law, in relation to working the highways.

Became a law, March 30, 1905, with the approval of the Governor. **Passed**, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-one of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter three hundred and eighty-six of the laws of eighteen hundred and ninety-five and chapter twenty-five of the laws of nineteen hundred, is hereby amended to read as follows:

§ 51. **Vote thereon.**—Upon the written request of twenty-five taxpayers of any town, the electors thereof may, at a special or biennial town meeting vote by ballot upon the question of changing the system of taxation for working the highway; but no person residing in an incorporated village or city, exempted from the jurisdiction of commissioners of highways of the town, shall sign such request, or vote upon such question. A town which has adopted the money system of taxation for working and repairing its highways, in pursuance of this section, cannot again vote upon the question of changing its system of taxation, until at least four years have elapsed since the money system of taxation was adopted.

§ 2. This act shall take effect immediately.

Chap. 109.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the several acts amendatory thereof and supplementary thereto, with reference to the department of public instruction.

Accepted by the city.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and thirty of chapter one hundred and five of the laws of eighteen hundred and ninety-one is hereby amended so as to read as follows:

Superintendent of education, powers of.

§ 330. The superintendent of education shall be at the head of this department. He shall from time to time recommend to the common council the course of study to be pursued in the different public schools, and such measures as will, in his judgment increase the usefulness and efficiency of the schools. He shall select all new teachers to be employed in the different schools, after this act shall take effect, from among the names from time to time certified to him, by the board of school examiners, except as hereinafter provided. He shall hire all teachers for the period of time, and at the compensation, and upon the terms and conditions provided by ordinance. He shall see that the courses of study and systems of education established by ordinance are observed. If none be established by ordinance, he shall direct the courses of study and systems of education to be pursued. The teachers shall be subject to his orders and direction. He may suspend, and for cause, and after a hearing, with the concurrence of the mayor, dismiss any teacher. He shall, on the second Monday in December of each year, make a full and comprehensive report to the common council of the condition of the schools up to the thirtieth day of June preceding. He shall appoint a citizen, who shall be well versed in the German as well as the English language, and whose duty it shall be to superintend the teaching of the German language in the public schools, and who shall also act, when not otherwise employed, as secretary to the superin-

tendent. Nothing in this act contained shall be construed to authorize the appointment of more than one clerk for said department, unless authority therefor shall be given by the common council. All public school janitors provided by ordinance shall be appointed by said superintendent of education and may be removed by him at his pleasure.

§ 2. This act shall take effect immediately.

Chap. 110.

AN ACT to amend chapter four hundred and sixty-three of the laws of nineteen hundred and four, entitled "An act authorizing the flushing of paved streets within the city of Auburn, and providing the method and means of payment therefor."

Accepted by the city.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and sixty-three of the laws of nineteen hundred and four, entitled "An act authorizing the flushing of paved streets within the city of Auburn, and providing the method and means of payment therefor," is hereby amended to read as follows:

§ 1. The common council of the city of Auburn is hereby authorized and empowered to designate and flush or sprinkle such streets, avenues, squares, alleys or public places, or any part thereof, as in its judgment should be flushed or sprinkled, and shall have the power to determine and prescribe the time or period during which such flushing or sprinkling shall be done. The common council may cause such flushing or sprinkling to be done by contract or otherwise; or by the street superintendent, and shall cause the expense thereof to be paid from the general city fund, the said fund to be reimbursed when bonds are issued covering the aggregate cost of said flushing or sprinkling, as hereinafter provided.

§ 2. When the common council shall determine and designate that any street, avenue, square, alley or public place, or any part thereof, shall be flushed or sprinkled the city engineer shall forth-

with make a map and plan of each of said streets, avenues, squares, alleys or public places, or any part thereof, so determined and designated, showing the lineal foot frontage of the property adjoining and abutting upon said streets, avenues, squares, alleys or public places, or any part thereof, and the name or names of the owner or owners of said property, and place the same on file in his office, and forthwith report the filing thereof to the common council.

Issue of
bonds to
defray
expense.

§ 3. On or before its first regular meeting in November, of each year, the common council shall determine the separate cost of flushing or sprinkling each of said streets, avenues, squares, alleys or public places, or any part thereof, which have been flushed or sprinkled, including the expenses incidental and appertaining thereto, and shall borrow money upon the credit of the city of Auburn at a rate of interest not exceeding five per centum per annum, to pay for such flushing or sprinkling and shall direct the mayor and city clerk to issue bonds of the city of Auburn for the same, signed by them, payable at the office of the city treasurer in said city, in two installments, one in three months and the other in six months from their date, and the mayor and city clerk shall deposit the proceeds of said bonds with the city treasurer, who shall reimburse the fund from which the expense of flushing or sprinkling said streets, avenues, squares, alleys or public places, or any part thereof, has been paid, all bonds issued shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issue. The common council shall thereupon add to the ascertained cost of said flushing or sprinkling as aforesaid, interest upon the whole amount of said bonds to be issued therefor, until the last installment of said bonds becomes due and payable, and shall by resolution certify to the assessors the cost, and interest on bonds, for flushing or sprinkling each of said streets, avenues, squares, alleys or public places, or any part thereof; the cost and interest so certified shall be apportioned, assessed and levied pro rata per lineal foot frontage upon the real property adjoining and abutting upon each of said streets, avenues, squares, alleys or public places, or any part thereof.

Assessment
of expense,
notice, etc.

§ 4. Upon receipt of a copy of said resolution the assessors shall immediately proceed to assess the amount directed upon the

real property adjoining and abutting upon each of said streets, avenues, squares, alleys or public places, or any part thereof, including all real property owned by persons, charitable, benevolent, religious and educational corporations or societies, exempt by law from general taxation, and shall make and subscribe an assessment roll thereof. Upon the completion of said assessment roll, the assessors shall cause a notice to be published for six days in the daily newspapers of said city, of the fact that said assessment roll is made; that the same can be seen and examined at the office of the assessors, and that at the time appointed in said notice which shall be within thirty days from the receipt of said resolution, they will hear objections or parties interested. Said notice shall give the names and state the parts thereof, of the streets, avenues, squares, alleys or public places, or any part thereof so flushed or sprinkled. They shall also serve upon each person, firm or corporation whose name appears upon said assessment roll at least three days before the time appointed for such hearing, a notice either personally, or by depositing the same enclosed in a sealed envelope in the postoffice in said city, directed to said persons, firms or corporations at their last known place of residence, according to the best information they may be able to obtain, the postage thereon being prepaid, which said notice shall state the name of, and the lineal foot frontage assessed to such person, the amount of his assessment and the time and place of the said hearing. At said time the assessors shall hear objections, and may adjourn, from time to time, not exceeding in all, ten days, for that purpose. They may add to said assessment roll any property liable to assessment, which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property, by mailing a copy of the same, addressed to such owner, agent or occupant, at his last known place of residence, at least three days before the final correction of said roll. At the time fixed by the published notice, or upon any adjourned day, said assessors may correct and change any of the amounts in said assessment roll, either by increasing, diminishing or omitting the same altogether, according to the justice of the case.

§ 5. The assessment roll when completed shall be immediately filed in the office of the city clerk, and thereafter the respective amounts assessed therein shall be a lien upon the lands upon which the same are assessed. The city clerk shall present the

When
assess-
ments
become
liens on
lands
assessed.

said assessment roll to the common council at its next meeting thereafter; the common council shall thereupon direct the mayor and city clerk to issue the proper warrant, under the corporate seal of said city, commanding the city treasurer to collect the several amounts in said assessment roll, and the said city treasurer shall make return of his proceedings to said common council at its first regular meeting held in June in each year.

Collection
of assess-
ments.

§ 6. After receiving said assessment roll, and before the first day of January following the city treasurer shall cause a notice to be published for six days in the daily newspapers of said city stating that he has received the same, and giving the names and stating the parts thereof, of the streets, avenues, squares, alleys or public places or any part thereof so flushed or sprinkled, and that during the month of January he will receive the amount of the assessment on the real property adjoining and abutting upon the streets, avenues, squares, alleys or public places, or any part thereof, so flushed or sprinkled, at his office, without percentage, and that during the month of February two per centum will be added and collected; that during the month of March four per centum will be added and collected, and during the month of April six per centum will be added and collected. In case such assessment, with the percentage added, shall not be paid, prior to the collection of the next annual city tax, due and payable on the first day of July following, each unpaid assessment and the percentage thereon shall be added to the said annual city tax upon the respective lots upon which said unpaid amounts are assessed; and thereafter, the aggregate amount in each case shall be regarded and described in all proceedings as tax and shall be collected in the same manner, with like percentage, power and effect, as the annual city tax.

Errors not
to invali-
date assess-
ments.

§ 7. No error or mistake in the name of the owner of any lands assessed for said flushing or sprinkling, or the fact that the name appearing in said assessment roll as owner of any lands is not the owner thereof, nor irregularity in advertising or serving any resolution, notice or other proceeding for which said assessment shall have been made, nor any omission of any officer, agent or contractor to carry out any detail of any resolution or contract, shall invalidate said assessment or assessment roll, except only where fraud is shown, but the amount assessed and appearing therein as being assessed upon said lands shall never-

theless be a lien upon said lands, and such lien may be enforced and foreclosed by action, in any court having jurisdiction to foreclose mortgages upon real estate.

§ 2. This act shall take effect immediately.

Chap. 111.

AN ACT providing for the use of park lands in the city of Buffalo, for a pumping station in connection with the public waterworks in said city.

Accepted by the city.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Upon the application of the common council and commissioner of public works of the city of Buffalo, the board of park commissioners of said city may, in its discretion, authorize such part of the park lands within its jurisdiction and control as it may designate to be used and occupied for the purposes of a pumping station and the appurtenances thereunto belonging, for the public waterworks of said city, upon such terms, conditions, restrictions and regulations as said board of park commissioners may prescribe.

§ 2. This act shall take effect immediately.

Chap. 112.

AN ACT to amend chapter three hundred and thirty-six of the laws of nineteen hundred and three, entitled "An act to provide for the erection of a courthouse in the county of New York and authorizing the acquisition of a site therefor."

Accepted by the city.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter three hundred and thirty-six of the laws of nineteen hundred and three, entitled "An act

to provide for the erection of a courthouse in the county of New York, and authorizing the acquisition of a site therefor" is hereby amended so as to read as follows:

Location of
site.

§ 2. It shall be the duty of the said board to proceed with all convenient speed to select and locate a site for a new courthouse, for the use of the special and trial terms of the supreme court in the first judicial district and of the city court of New York and of the county clerk of the county of New York and of the commissioner of jurors. The said board, in its discretion, may designate a park as the site for such courthouse. Nothing in this act contained shall authorize the erection of a building in the city hall park, however, unless the brown stone building so called, and the fire engine house, so called, shall be removed therefrom, and the present county courthouse shall either be removed or shall be remodelled or enlarged and used as a portion of the building to be erected under the provisions of this act; and no building which shall, under the provisions of this act, be erected in the said city hall park shall, in any event, occupy a larger superficial area therein than the area occupied by the present county courthouse. In selecting and locating a site, the said board shall not be limited by the amount of space to be actually occupied by said courthouse but shall provide for the necessary approaches thereto and surroundings thereof so as to insure as far as practicable quiet and isolation. And if the said board shall select a site in a public park it shall also select, locate and acquire, under the provisions of this act, as a part of said site, land contiguous to the said park of approximately the same area as the space to be occupied by the said courthouse to be annexed to said park as a part thereof. And the said board with the approval of the board of estimate and apportionment may close and include in any site, selected by it, any streets which intersect such site or any lands contiguous thereto which may be acquired pursuant to the provisions of this act.

§ 3.* Section three of the said act is hereby amended so as to read as follows:

Approval of
report.

§ 3. It shall be the duty of the said courthouse board after selecting and locating a site as hereinbefore provided to report the same to the said board of estimate and apportionment and

*So in original.

no further proceedings shall be taken until a site so selected and located shall be approved by the said board of estimate and apportionment. If, and as often, as the said board of estimate and apportionment shall reject a site so selected, located and reported, it shall be the duty of the said courthouse board to proceed with all convenient speed to select, locate and report another site for said courthouse until a site shall have been selected and located by said courthouse board and approved by said board of estimate and apportionment.

§ 3. Section six of the said act is hereby amended so as to read as follows :

§ 6. The board of estimate and apportionment may, by a resolution adopted either before or after the filing of the oaths of the commissioners of estimate and appraisal in any proceeding taken pursuant to the provisions of this act, declare that, at a date specified in such resolution, the title to any or all of the lands, tenements and hereditaments described in the petition filed in the said proceeding and of all interests therein, shall vest in the city of New York; and, in the event of the adoption of such a resolution the city of New York shall become and be seized in fee of all lands, tenements and hereditaments described in the petition filed in the said proceeding and of all interests therein on the date specified in such resolution, and on the date so specified the said city of New York, acting through the said courthouse board, may immediately take possession of all of the lands, tenements and hereditaments described in the said resolution and of all interests therein, without any suit or proceeding at law for that purpose. Provided however, the date of vesting of title to be specified in any such resolution must be at least three months after the filing of the oaths of the said commissioners of estimate and appraisal. All leases and other contracts in regard to said real estate so taken, or any part thereof, and all covenants, contracts or arrangements between landlords and tenants or any other contracting parties shall, upon the vesting of said title in the city of New York, respectively cease, determine and be discharged. The owners of such real estate or interest therein, shall be entitled to interest upon the value thereof from the date when the title thereto shall vest in the city of New York.

City may acquire title by resolution of board of estimate and apportionment.

§ 4. Section eight of said act is hereby amended so as to read as follows :

Acquisition
of title by
agreement
with
owners.

§ 8. If the site selected, located and approved as aforesaid shall embrace any real estate or interest therein not owned by the city of New York, it shall be lawful for the said courthouse board, with consent of the said board of estimate and apportionment and with the approval of the comptroller either before a proceeding shall have been instituted to acquire title thereto, or at any time thereafter before the commissioners of estimate and appraisal therein shall have filed their report, to agree with the owner of such real estate, or of any part thereof, or of any interest therein, as to the value of his real estate, or interest therein, and to contract for the purchase, and to purchase, the same, in behalf of the city of New York, and if such agreement as to the value thereof shall be made after the title shall have vested in the city of New York, but before the filing of the report of the commissioners of estimate and appraisal, such commissioners shall be bound by the value as thus agreed upon.

§ 5. Section nine of the said act is hereby amended so as to read as follows:

Plans and
specifica-
tions,
prepara-
tion and
approval of.

§ 9. Immediately after the selection of a site for the said courthouse, and the approval thereof by the board of estimate and apportionment, as hereinbefore provided, it shall be the duty of the said courthouse board to proceed with all convenient speed with the preparation of plans and specifications for the erection of the said courthouse and the laying out of so much of the site thereof as is not to be actually occupied by the building, provided, however, that the said board shall not definitely approve any such plans and specifications unless the same shall first be approved in writing by a majority of the justices of the supreme court residing in the first judicial district and assigned at that time to hold special, trial and criminal terms of said court in the county of New York. For the purpose of preparing the said plans and specifications the said board may employ such architect or architects and such engineer or engineers as it may deem advisable and may fix their compensation, and it may, in its discretion, provide for compensating architects whom it may invite to prepare any such plans, even though such plans shall not be adopted by it. In addition to courtrooms and such other rooms as shall be necessary and appropriate, provision shall be made by such plans and specifications for a library or libraries and for private chambers for the use of the justices of the supreme

Architects,
compensa-
tion of, etc.

court and the justices of the city court. If the site selected as aforesaid shall embrace any part of the site upon which the present county courthouse is erected the said board shall have power, as a part of the plan to be prepared by it as aforesaid, to make provision either for the total removal of the said county courthouse or for such changes and modifications of the plans thereof or additions thereto as it shall deem advisable; and it shall have power, in case the site selected by it is within the limits of the City Hall park, to provide, as a part of its plans, for the removal of the brown stone building, so called, and of the fire engine house, so called, now erected in said park. The said board shall also prepare a contract or contracts for the performance of all work contemplated by the plans and specifications prepared by it.

§ 6. Section thirteen of the said act is hereby amended so as to read as follows:

§ 13. The said courthouse board may employ such clerks and other assistants as it may deem necessary and may fix their compensation and may incur such other expenses as may be necessary to carry out the provisions of this act. But no obligation shall be incurred by the said board and no contracts involving the expenditure of money, except such contract or contracts as are authorized by the tenth and eleventh sections of this act, shall be made by it, unless an appropriation or appropriations therefor shall have been made by the board of estimate and apportionment as hereinafter provided. The corporation counsel of the city of New York shall, upon the request of said board, act as its legal adviser.

Clerks,
employment
and com-
pensation
of.

§ 7. Section fourteen of the said act is hereby amended so as to read as follows:

§ 14. The board of estimate and apportionment of the city of New York may from time to time upon the requisition of the courthouse board, appropriate such sums as may be necessary to defray all expenses and to meet all obligations incurred under the provisions of this act, and the moneys thus appropriated shall be paid upon vouchers to be furnished by the said courthouse board, in like manner as payment is made of other claims upon the city of New York. For the purpose of paying for such real estate or interests therein as may be acquired by the city of New York, and for defraying the cost of the erection, alteration or re-

Appropriations to pay
expenses
and costs;
issue of
corporate
stock.

moval, or furnishing or equipping of any building, pursuant to the provisions of this act, the said board of estimate and apportionment may direct the issue and sale of the corporate stock of the city of New York in such amount or amounts as shall be necessary, in the manner prescribed by the Greater New York charter, except that the consent of the board of aldermen to the issue and sale of corporate stock under the provisions of this act need not be obtained; and for the purpose of defraying and satisfying all other indebtedness and obligations incurred pursuant to this act or of making such repairs to, or alterations of, the present county courthouse as it may deem necessary pending the completion of the new courthouse to be erected pursuant to this act, the said board of estimate and apportionment may, in its discretion, either direct the issue, and sale of such corporate stock, or of special revenue bonds, as to it shall seem advisable. The amount necessary to pay the principal and interest of any special revenue bonds issued pursuant to this act shall be included in the estimate of moneys necessary to be raised by taxation to carry on the business of said city, and shall be included in the tax levy for the year next following the year in which the aforesaid appropriations were made.

Payment
revenue
bonds. of

§ 8. This act shall take effect immediately.

Chap. 113.

AN ACT to amend insurance law, in relation to the assets and liabilities of casualty insurance corporations.

Became a law, March 30, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-six of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," as amended by chapter five hundred and fourteen of the laws of nineteen hundred and one, and chapter five hundred and sixty-six of the laws of nineteen hundred and three, and chapter four hundred and sixty-eight of

the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 86. What shall be allowed as assets; impairment of capital stock.—In estimating the condition of any life insurance corporation, under the provisions of this chapter, or in any examination made by him, or by an examiner appointed by him, the superintendent shall allow as assets only such investments as are authorized by the laws of this state, at the date of examination, and shall charge as liabilities, in addition to the capital stock, all outstanding indebtedness of the corporation, and the premium reserve on policies, and additions thereto in force computed according to the table of mortality and rate of interest prescribed in this article. Any assets or securities lawfully held or acquired for the satisfaction, reduction or guarantee of any indebtedness to the corporation shall be allowed as assets at their just value in the judgment of the superintendent, but the total assets invested and otherwise of every domestic life insurance corporation shall be held to be accumulations for the exclusive benefit of policy holders, and no payment to stockholders shall be made therefrom until all obligations to policy holders and creditors have been fully provided for, including the reserve required by section eighty-four of this chapter to be determined by the superintendent of insurance. Whenever it shall appear to the said superintendent from the statement of any life insurance corporation made to the insurance department, or from an examination of the affairs of any such corporation (if a stock corporation), that its capital stock is impaired to the extent of fifty per centum thereof upon the basis of such reserve liability for policies and annuities in force as may be the standard used within this state at the time of ascertaining such impairment, it shall be the duty of said superintendent, if the corporation is organized under the laws of any other state or country, to revoke the certificate of authority issued to the agent or agents of any corporation, and cause a notice thereof to be published in the state paper for four weeks, and the agent or agents of such corporation are, after such notice, required to discontinue the issuing of any new policies. If the corporation so impaired is organized under the laws of this state, it shall be the duty of said superintendent to direct the officers thereof to require the stockholders to make good in cash the amount of such de-

iciency within ninety days after the date of his requisition. And upon the failure of the stockholders to make good such deficiency within the time specified in such requisition, the corporation shall then be subject to the provisions of section twenty-one of this chapter. Provided that any corporation organized under the laws of this state, whose capital is impaired as above fifty per centum, may by a vote of a majority of its directors at a meeting called for that purpose reduce its capital stock to an amount not less than one hundred thousand dollars; and the said directors are hereby empowered to issue new certificates of stock to the stockholders or the amount of the reduced capital, and require in return all certificates previously issued. In estimating the condition of any casualty insurance corporation, under the provisions of this chapter, the superintendent shall allow as assets only such investments as are authorized by the existing laws of this state, at the date of its investigation; and shall charge as liabilities, in addition to the capital stock, all outstanding indebtedness of the corporation, and the premium reserve on policies in force, equal to the unearned portions of the gross premiums charged for covering the risks, computed on each respective risk from the date of the issuance of the policy. There shall also be charged as a liability to each company which undertakes or writes insurance under subdivision three of section seventy of this act, whether organized under this or any other state or country, a further reserve as hereinafter provided. For the purpose of computing said reserve, each such company which has been engaged in liability underwriting for ten years or more, shall, on or before the first day of October in each year, state in writing to the superintendent of insurance its experience in the United States, under all forms of liability policies, each year separately according to the calendar years in which the policies were written, during a period of five years commencing ten years previous to the thirty-first day of December of the year in which the statement is made, in the following particulars, namely: the number of persons reported injured under all of the forms of liability policies, whether such injuries were reported to the home office of the given company or to any of its representatives; the amount of all payments made on account or in consequence of injuries reported under such policies; the number and amount, separately, of all suits or actions against policy holders under such policies

which have been settled, either by payment or compromise; both of the above amounts to be ascertained as of date of the thirty-first day of August of the year in which the statement is made, and to include in the case of suits all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought. Each such company shall thereupon reserve upon all said kind of policies, irrespective of the date at which the policies were issued (1) for each suit or action pending, on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given company or to any of its representatives, and which is being defended for or on account of the holder of any such policy the average cost thereof as shown by said experience, and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given company or to any of its representatives, the average cost for each injured person as shown by said experience. From the sum so ascertained the company may deduct the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount to be taken as of the date at which the statement is made. Any company which now issues, or shall hereafter issue, liability policies as aforesaid, and which has not been engaged in liability underwriting for ten years, shall nevertheless, until such times as it may be able to state its experience of the period hereinbefore required, make and maintain a reserve upon all said kind of policies, irrespective of the date at which the policies were issued, determined as follows: (1) for each suit or action pending, on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given company or to any of its representatives, and which is being defended for or on account of the holder of any such policy the average cost thereof as shown by the average of said experience of all other companies stated as required by this section, and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given company or to any of its representatives, the average cost for each injured person as shown by the average of said experience of all other companies stated as required by this

section: which average costs for suits and for injured persons shall be furnished by the superintendent of insurance to each such company on or before the first day of December, in each year. From the sum so ascertained each such company may deduct the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount to be taken as of the date at which the statement is made.

§ 2. This act shall take effect immediately.

Chap. 114.

AN ACT to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February first, nineteen hundred and six, and for which no provision has been made in the sinking fund.

Accepted by the city.

Became a law, March 30, 1906, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Refunding
bonds, issue
and terms
of.

Section 1. The common council of the city of Mount Vernon, is hereby authorized and empowered to issue bonds upon the credit of said city, to be denominated refunding bonds, to the amount of outstanding bonds falling due on or before February first, nineteen hundred and six. Such bonds shall be issued in the name of the city of Mount Vernon and under its corporate seal, and shall be signed by the mayor and city clerk, and shall bear interest at a rate not exceeding four per centum per annum, and shall be payable within not less than ten nor more than fifteen years from date of issue, and shall be of such denomination and description as the common council shall determine.

Sale of
bonds.

§ 2. When the common council shall by resolution so determine, public notice inviting proposals for the purchase of such bonds shall be given by publication in the official newspapers and in a newspaper of general circulation in financial circles and in such other manner as the common council may prescribe, and in such notice shall state that at a time and place therein named the common council will receive sealed proposals for the

purchase of such bonds and will award bonds to the highest bidder unless the said common council shall deem it to be for the interests of the city to reject such bid. The said bonds shall not be sold for less than their par value and accrued interest.

§ 3. The moneys received from the sale of bonds authorized by this act shall be used only to pay the principal of bonds falling due on or before February first, nineteen hundred and six, and which cannot be paid out of the moneys in the sinking fund, and for no other purpose whatsoever, and for that purpose shall be placed in an account denominated bonds falling due on or before February first, nineteen hundred and six. No moneys in the sinking fund shall be used or paid out or transferred from said fund for any other purpose than to pay principal or interest of bonds of the city of Mount Vernon or of the former village of Mount Vernon.

Application
of moneys
received
from sale
of bonds.

§ 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 115.

AN ACT authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains hospital association of White Plains.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of the town of White Plains is hereby authorized to appropriate and pay annually from the moneys received by the said town of White Plains under the provisions of the liquor tax law, to the White Plains Hospital association of White Plains, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of White Plains, owned and conducted by said association, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such appropriation shall

Appropriation,
conditions for
making.

be made only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the town of White Plains, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town shall make payment of such moneys to said hospital association when authorized and directed so to do by the said town board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments, or otherwise, as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 116.

AN ACT to amend chapter one hundred and ninety-five of the laws of eighteen hundred and eighty-four, entitled "An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled 'An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village' and the several acts amendatory thereof," generally.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Subdivision forty-three of section three, title four of chapter one hundred and ninety-five of the laws of eighteen hundred and eighty-four, entitled "An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled, 'An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village,' and the several acts amendatory thereof," is hereby amended to read as follows:

Ordinances
relating to
erection or
removal of
buildings.

43. To prescribe from time to time by ordinance the limits in said village within which and the places where other than stone or brick buildings shall not be erected, placed or removed from one place to another within said limits without their permission

granted by the affirmative vote of all the trustees of said village. Every building other than stone or brick hereafter erected, removed or placed contrary to such ordinance is hereby declared to be a common nuisance, and may be abated as such; and every person who shall erect, remove or place any building in violation of any such ordinance, shall forfeit one hundred dollars, and in addition, the sum of twenty-five dollars for each week said building shall be continued; which shall be recovered for the use of said village.

§ 2. Title four of said act is hereby amended by adding three new sections to be sections thirteen, fourteen and fifteen, and to read as follows:

§ 13. The trustees of said village may, whenever in their judgment the interests of the village require it, purchase or acquire by condemnation proceedings lands for the establishment of a public dump or dumping ground in such village, or in the town of Batavia, outside of the limits of said village, and may prohibit the use of any other lands within said village for such purpose.

§ 14. The trustees of said village shall have power annually to raise the sum of, not exceeding three thousand dollars from the taxable inhabitants and property of said village in addition to the sum specified in section one of title eight of said act, for the purpose of defraying the cost and expense of covering, deepening the big ditch so-called, situated in the northerly part of said village, and for changing the grade and course of said ditch where necessary, and for acquiring the right of way to make such change in the grade and course thereof, and which may be acquired by purchase or condemnation proceedings, until such work is completed; such work to be done under the direction of the said trustees and to be commenced as soon as practicable after the passage of this act, and the amount determined by said board of trustees each year for such purpose to be included in the estimates and added thereto each year until such work is completed.

§ 15. The said board of trustees may, whenever in its judgment the interests of the village require it, purchase or acquire by condemnation proceedings, lands for a public market and prepare the same for such use and purpose.

§ 3. Title six of said act is hereby amended by adding new sections to be numbered sections six to sixteen, both inclusive, and to read as follows:

Street improvement, proceedings for.

§ 6. The board of trustees shall have the power to cause any street, road or public place to be macadamized, paved, with brick, stone, cement, asphalt or other material at such time or times and in such manner as they may determine, provided, that a resolution be adopted by a majority vote of the board of trustees, at some regular meeting of the board of trustees, specifying the street, road, alley or other public place to be improved, together with the material to be used in making such improvement. After the adoption of the resolution the board of trustees shall publish a notice in the official paper of said village of not less than twice a week for a period of two weeks, setting forth that it is their intention to proceed according to the resolution adopted for the improvement of such street, road, alley or other public place, and that the said board will meet on a day and hour therein mentioned, at their usual place of meeting, to hear any objections that may be made to the making of such improvement, and if at the time and place of such meeting there shall be filed with said board the written protests, duly acknowledged, of at least a majority of the taxable inhabitants owning property on the street, road, alley or other public place, proposed to be paved or improved, and liable to assessment therefor, against the said improvement, then the said board of trustees shall not take any proceedings to cause the same to be paved or improved at any time within one year from the filing of such protests, but in case the said protests shall not be filed then the said board of trustees may proceed to cause such improvement to be made according to the resolution previously adopted for such improvement in accordance with the provisions of this act.

Surveys, plans, estimates of expenses, etc., preparation of.

§ 7. The board of trustees shall cause all necessary surveys to be made, all necessary grades to be established, and they shall adopt all necessary plans and specifications for such improvement, and decide upon the kind and quality of materials to be used in making such improvement, and shall determine the probable expense of making such improvement including all necessary grading, curbing and guttering, together with all necessary expenses for surveys, establishing of grades, making plans and specifications as aforesaid, estimates, assessments, publications and all expenses, incidental to the making of any such improvement, and which shall be considered a part of the expenses thereof. To provide funds for the payment of the expense of such improvement,

Issue of bonds authorised.

or any part thereof, the board of trustees may issue bonds or certificates of indebtedness of said village, signed by the president and treasurer, the same to bear interest at a rate not to exceed five per centum per annum, and to be for such amounts and upon such terms and conditions as may be determined by the board of trustees. But all such bonds or certificates shall be payable with-
in at least ten years from the date thereof. These bonds or cer-
tificates, in the discretion of the board of trustees may be used
directly at not less than par and accrued interest to pay for such
improvements, or they may be sold by them at a price not less
than par and accrued interest, and the proceeds shall be used to
make payment for such improvement, and for no other purpose
whatever. The board of trustees shall, in case of any deficiency
occurring from delay in collecting the assessment hereinafter pro-
vided for, have power to temporarily borrow money on the credit
of the village to supply such deficiency in funds needed to pay
said bonds or certificates. The expense of repairing and cleaning
paved or macadamized streets, alleys and public places shall be
paid from moneys raised for street purposes. Such bonds or cer-
tificates of indebtedness when issued shall be binding on the said
village, and shall contain a recital that they are issued under the
provisions of this act, and such recital shall be conclusive evidence
in any court of the validity thereof, and of the regularity of their
issue. If the proceeds derived from the sale of the bonds or cer-
tificates of indebtedness, as herein provided, exceed the amount
of the actual expense of such improvement, the surplus shall be
set aside and be used to retire or pay up the bonds or certificates
of indebtedness when they become due.

§ 8. After the adoption of the plans and specifications, as
aforesaid, and the decision upon the kind and quality of the
materials to be used in making such improvement, the board
of trustees shall, within such time as they may deem advisable,
let the contracts for such improvement. Such contracts shall
be awarded to the bidder or bidders whose bids shall be deemed
by the board of trustees most advantageous to the village. Said
board shall have the right to reject any and all bids. Specifi-
cations of the work to be done or the material to be furnished
shall be prepared by, or under the direction of said board and
filed with the village clerk. A notice shall thereupon be pub-
lished at least once a week for two weeks in the official newspaper

stating that the specifications may be examined at the office of the village clerk and that on a day to be named in such notice and after the expiration of the time of publication the bids will be opened; said bids shall be sealed and deposited with the village clerk, who shall unseal and open them at such meeting in the presence of the board.

Contractor
to give
under-
taking.

§ 9. Whenever any contract shall be let for such improvement, the contractor shall execute and deliver to the village of Batavia, in the name of the village, a bond in a penalty to be fixed by the board of trustees, not less than one-half the amount of the contract, duly executed and acknowledged with sufficient sureties satisfactory to the board of trustees, and said sureties shall justify collectively in the amount of the contract. No contract shall be binding on said village until a bond so executed and acknowledged and approved by the board of trustees shall be deposited with the clerk, to be safely kept in his office for the benefit of the parties secured thereby. Such bond shall be conditioned for the faithful performance by such contractor of his contract in accordance with the terms thereof, and to indemnify and save harmless the said village of and from all negligence or default on his part, and to pay or cause to be paid the wages and compensation of all laborers who shall be employed in work on or about such improvement, whether employed by him or any subcontractor or employee, and to pay for all materials furnished in or about such improvement, whether to him or any subcontractor. Actions or proceedings on such bond by the laborers and material men claiming to be secured thereby, shall be brought in their name or names, and separate actions may be brought by each or any number united by such laborers and material men, or one action by all; but the village shall not in any manner be liable or responsible by reason of such bond, or for any costs or expenses of any such action or proceedings thereon by any laborers or material men. No action shall be commenced on such bond after one year from the time when the cause of action accrued. The village shall not be held in any action brought or had under any contract made with the contractor as aforesaid, for any other or any greater liability than that expressed therein, nor required to pay out or otherwise dispose of any sums of moneys for the doing of such work or the furnishing of such

Conditions
of under-
taking.

Actions on
bond or
under-
taking.

material greater than is stipulated in such contract, nor otherwise than in strict conformity with the stipulations thereof.

§ 10. The board of trustees shall also at any time before any such macadam or pavement is laid in front of any lot or parcel of land by resolution require the owners or occupants of such lots or parcels of land fronting on any street, alley or public place or portion thereof which the board of trustees have directed to be macadamized or paved, cause service water pipes to be laid in front of such lot or parcel of land fronting on such street, alley, public place or portion thereof in such manner and at such distances apart as it may deem necessary and may determine the material to be used in such work and also cause to be made connections with the sewer in front of said lot or parcel of land fronting on such street, alley, public place or portion thereof, within such time and in such manner and with such kind and quality of materials and such distances apart as said board of trustees may deem necessary. The board of trustees shall thereupon cause a copy of such resolution to be published once a week for two weeks in the official newspaper of the village, and shall cause a copy thereof to be served personally upon the reputed owner or owners, occupant or occupants of each of said lots or parcels of land, and in case any such owner or owners, occupant or occupants shall neglect or refuse to cause such service water pipes to be laid and such water and sewer connections to be made in the manner, at such distances apart, and within the time, and of such materials specified in said resolution, then the said board of trustees may cause said pipes to be laid and said connections to be made, and the cost and expense of said water pipes and the laying of the same and of making said connections in front of each lot or parcel of land, shall be by them assessed upon such lot or parcel of land in the manner as hereafter provided.

§ 11. Before any macadam or pavement is laid in any street, alley or public place in said village, the board of trustees shall also give notice in writing to any and all gas companies having mains, already laid in any street, alley or public place, or in any part thereof, which the board of trustees have directed to be macadamized or paved, to lay their respective service pipes in such street, alley or public place, in such manner and at such distances apart as the board of trustees may require; and in case any such company or companies shall neglect or refuse to comply with

such notice within such reasonable time as may be required by the board of trustees, the board of trustees may cause such service pipes to be laid, and the expense thereof shall be by them audited, and when audited, shall become and be a lien upon all property and franchises of said company or companies situate within the said village, from the time the improvement shall have been ordered, which lien may be enforced by an action at law against said company or companies for the recovery of the amount of such expense, with the costs of the action, and by the sale of the property upon any execution which may be issued upon a judgment recovered therefor.

Assessment
of expense.

§ 12. The board of trustees shall within such time after the making of the contract for such improvement as herein provided as may reasonably be done, assess two-thirds of the actual expense of such improvement except where a street or public alley intersects or crosses the street or public alley macadamized or paved in pursuance of the provisions of this act, the actual expense of paving or macadamizing any such intersections or crossings shall be paid by the village at large; except also that where any street surface railroad company is required by law or by the terms of its franchise to make and complete any portion of such improvement, the owners of the lots or parcels of land in front of which the tracks of said railroad shall be laid, and the said village, shall be entitled to the benefit thereof and two-thirds of the actual expense of macadamizing or paving the remaining portion of the street, alley or public place, only, in front of their lots or parcels of land respectively, shall be assessed against said lots or parcels of land in the name of the reputed owners, occupant or occupants thereof, including all the necessary items of expense in this title mentioned, on the several lots or parcels of land fronting on that part of the street, alley or public place along which said improvement is to extend, in the name of the reputed owner or occupant as shall be in the same proportion to the entire amount locally assessed as the number of feet for which the same shall bound or front upon the street, alley or public place improved shall be to the aggregate number of feet frontage or bounds subjected to such local assessment, and the remaining one-third of such cost and expense shall be paid by the village at large.

Assessment
of expense
for service
pipes and
sewers.

§ 13. When sewers and service pipes shall have been made or completed by the village, in accordance with the provisions of

this title, the actual expense of such additional improvement shall be assessed by the board of trustees upon the lots or parcels of land, respectively, in front of which such improvements shall have been made, in the name of the reputed owner or owners, occupant or occupants thereof, and shall be added to and included in the assessment against such lot or parcel of land for the paving of said street, alley or public place; and the said trustees may also, at their option, direct the collection of the same by suit against such owner or occupant, and the same may be recovered with costs of suit in an action in any court having cognizance thereof by and in the name of the corporation.

§ 14. The assessment authorized by this title shall, without unnecessary delay, be subjected to review in all respects as village assessments are subjected to review. If the proper notices are given as required by law, and no objections are made, the assessment roll shall become and be final and conclusive by the acquiescence of the parties concerned. All objection which may be made pursuant to said notices, the said board of trustees shall consider and determine upon, and may affirm or reverse said roll, or amend the same, or correct any error therein, or annul the same, and proceed anew, and when said board of trustees shall have confirmed said assessment roll it shall be final and conclusive upon all parties concerned. When such assessment roll shall have become confirmed or final as aforesaid, it shall be delivered to the village treasurer, and the sums therein assessed upon the several parcels of land therein specified, together with the interest thereon, as it accrues, shall become a lien upon the said lots or parcels of land respectively, from the time such improvement shall have been ordered, superior to all other liens, rights, titles or estates therein. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized in this act, or the laws in force when such tax was levied, or in case of error in the description of lands, or in the description of the owner or occupants, the board of trustees may, in its discretion, or upon the application of any person interested, proceed to correct such irregularity, omission, or error, or cancel, remit, or commute such tax or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the board of trustees are hereby authorized and empowered to make such re-

Review of
assess-
ments.

When
assess-
ments
become
liens.

Correction
of assess-
ments.

assessments upon giving three weeks' personal written notice thereof, to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the village treasurer to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made.

Payment of
assess-
ments.

§ 15. Such local assessment shall become due and be paid by the owner of or persons interested in the lots or parcels of land upon which the same shall be assessed respectively in not more than ten equal annual payments of principal, with one year's interest each year, at the same rate per centum as called for by the bonds or certificates of indebtedness as herein provided, upon the whole amount unpaid. The first installment of principal and interest shall be due and payable at the time the annual assessment roll is placed in the hands of the treasurer of said village for the collection of taxes and the remaining installments of principal with one year's interest, shall be due and payable annually thereafter. Any tax or assessment authorized by this act shall bear interest after the same becomes due at and after the rate of ten per centum per annum, and the same shall become payable and a lien upon the land from which the assessment so in default shall be payable from and after the date when such improvement shall have been ordered. Any person or corporation paying any tax or assessment authorized by this act within twenty days from the time the same becomes due shall not be charged any fee for the collection thereof. After the expiration of the said twenty days, five per centum shall be added thereto and charged and collected by the treasurer. Such additional interest and collection fee so collected shall be credited to the paving fund of said street, alley or public place. Any person or corporation being the owner of or interested in any lot or parcel of land so assessed at any time after the confirmation of such assessment roll, must pay his or its assessment in full, together with all accrued interest to the treasurer of the village. Nothing in this section contained shall prevent any person or corporation from paying the whole of his or its assessment remaining unpaid, or any annual installments thereof at any time after such assessment is completed, and the assessment roll is placed in the hands of said treasurer as provided by the last section, although the same is not due and payable.

§ 16. When default shall be made in payment of any, or any part of the assessments made as herein provided after the same shall have become due, the village treasurer shall proceed to collect the same in the manner prescribed by section seven of title eight of said act and which said section is made applicable to the collection of said assessment and the sale of real and personal property therein mentioned.

Collection
of unpaid
assess-
ments,
manner of.

§ 5. Section two of title eight of said act is hereby amended to read as follows:

§ 2. The trustees shall have power, in addition thereto, to raise money for an extraordinary expenditure for any purpose authorized by this act, by assessment and tax, by submitting a resolution, stating the amount to be raised and the specific object for which, to the annual election, or to a special election, of the legal electors entitled to vote on such questions, to be held as in this act directed, and to appoint such special election, designating the time and place. If the majority of the ballots cast have on them the word "yes," then the trustees may raise the amount voted.

Extraor-
dinary
expenses,
special
election for

§ 6. This act shall take effect immediately.

Chap. 117.

AN ACT to amend chapter three hundred and forty-seven of the laws of eighteen hundred and ninety entitled "An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments," relating to the collection of assessments and installments thereof.

Accepted by the city.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen of chapter three hundred and forty-seven of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Collection
of interest
on unpaid
assess-
ments.

§ 14. If such assessment or any installment thereof shall not be paid when the same becomes due, the city treasurer shall collect interest thereon at the rate of six per centum per annum from the time when due.

§ 2. Section fifteen of chapter three hundred and forty-seven of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Collection
of unpaid
assess-
ments.

§ 15. In case any assessment or any installment thereof, shall have been due and unpaid for thirty days or more previous to the first day of April it shall be the duty of the city treasurer on or before the first day of April in each year, to report the same to the city assessors. The said city assessors, before delivering to the city treasurer, the next roll for general city taxes, shall insert therein against the property on which it was assessed, the amount of such unpaid assessment or installment thereof, with interest thereon at the rate of six per centum per annum, from the date at which said assessment or installment thereof became due to the first day of June following and on the confirmation of said roll, the said assessment shall become and be a part of the general city taxes against said property. When such tax is collected, the treasurer shall credit the portion thereof which was due on any assessment or installment, including the six per centum added thereto as aforesaid, and the interest collected thereon as a part of the general city taxes to the proper fund.

§ 3. This act shall take effect immediately.

Chap. 118.

AN ACT to authorize the issue and sale of bonds by the city of Rochester, to provide money with which to pay the debt of said city incurred in paying certain interest on the water bonds of said city.

Accepted by the city.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Water
funding
loan bonds,
execution
and terms
of.

Section 1. The common council of the city of Rochester is hereby authorized and empowered to cause to be issued bonds of the city of Rochester, to be known as water funding loan bonds,

to the amount of four hundred and ten thousand dollars, which bonds shall be signed by the mayor and treasurer of said city, sealed with the corporate seal of said city and countersigned by the comptroller of said city, and at the option of the common council, by a transfer-agent, to be designated by it, and shall be payable and transferable at such place as the common council shall designate, and shall run for a period not exceeding thirty years to be determined by the common council, and shall bear interest at a rate fixed by the common council, not exceeding three and one-half per centum per annum, and shall be sold under the direction of the comptroller, after competition, upon sealed proposals, at not less than par.

§ 2. The proceeds of the sale of said bonds shall be used to pay the certificates of indebtedness of the city of Rochester issued for the purpose of raising money to retire and redeem the bonds of said city issued in eighteen hundred and seventy-five, known as funding loan bonds, the proceeds of the sale of which was used in paying certain interest on the water bonds of said city. Application of proceeds received from sale of bonds.

§ 3. The provisions of any general, special or local act shall not apply to the issuance and sale of the bonds herein provided for.

§ 4. This act shall take effect immediately.

Chap. 119.

AN ACT to amend chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-five, entitled "An act to establish a law library in the sixth judicial district to be called 'the supreme court library at Elmira,' and making an appropriation therefor," relative to the salary of librarian.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-five entitled "An act to establish a law library in the sixth judicial district to be called 'the supreme court library at Elmira,' and making an appropriation therefor," is hereby amended to read as follows:

Librarian,
appoint-
ment and
compensa-
tion of.

§ 3. The librarian of the supreme court library at Elmira shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, but such salary shall not exceed six hundred dollars in any year, and the same shall be paid by the treasurer of the county of Chemung out of the moneys raised in said county for court expenses, upon the certificate of the resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court in the district. Said librarian shall be subject to the directions of said board and shall be governed by such rules as it shall from time to time make.

§ 2. This act shall take effect immediately.

Chap. 120.

AN ACT to amend chapter five hundred and ninety-four of the laws of eighteen hundred and ninety-nine entitled "An act authorizing boards of supervisors to acquire the rights, franchises and property of individuals and corporations exacting toll for the use of turnpikes and plank roads and bridges," relative to the application of said act to the county of Onondaga.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and ninety-four of the laws of eighteen hundred and ninety-nine entitled "An act authorizing boards of supervisors to acquire the rights, franchises and property of individuals and corporations exacting toll for the use of turnpikes, plank roads and bridges" is hereby amended to read as follows:

Acquisi-
tion of
franchises,
turnpikes,
plank
roads and
bridges in
certain
counties.

§ 1. The board of supervisors of any county, except a county wholly within the city of New York, and except the counties of Erie and Essex, may by a vote of a majority of the members thereof, by resolution, determine to acquire the rights and franchises of any individual or corporation, lawfully entitled to exact

a toll or charge for walking, riding or driving over any plank road or turnpike, or a bridge within such county, erected over an unnavigable stream. Upon the adoption of such resolution, the board of supervisors shall acquire such rights, franchises and property by purchase, if able to agree with the owners thereof, and otherwise by condemnation in the name of the county. Any turnpike, plank road or bridge corporation may by the affirmative vote of stockholders owning a majority of the stock thereof, expressed in writing, or at a special meeting of the stockholders of such corporation held upon written notice of at least ten days to all the stockholders thereof, authorize its board of directors or trustees, to dispose of the rights, franchises and property of such corporation within a county, pursuant to this act for a specified sum; and thereupon the board of directors or trustees of such corporation may convey and sell such rights, franchises and property to the county accordingly.

§ 2. Section three of said chapter as amended by chapter one hundred and eleven of the laws of nineteen hundred and four and chapter four hundred and fifty-six of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 3. Except in the counties of Rensselaer, Onondaga, Albany and Columbia, the amount of such bonds in whole or in part together with the interest thereon may be apportioned by the boards of supervisors upon the towns, cities and villages constituting separate highway districts, in which such plank road, turnpike or bridge is located, in such proportions as the boards may deem just and the amount so apportioned to each municipality for the payment of the principal and interest of such bonds shall be annually levied and collected at the same time and in the same manner as money for other county charges. In the counties of Rensselaer and Columbia the boards of supervisors, in making up the annual tax budget of the counties, shall each year levy and assess upon and against the taxable property in said counties, in addition to the amounts levied and assessed for other county charges, an amount sufficient to pay the interest falling due and payable on the said bonds during such year, and also an amount sufficient to pay the proportion of the years fixed at the time during which said bonds shall run from their issue to maturity. The amount raised by tax in each year for the payment of the principal of said bonds shall be preserved intact

Apportionment of bonds issued to purchase plank roads, etc.

Sinking fund to pay bonds.

by the county treasurers of said counties until said bonds mature and are payable, and, upon the maturity of said bonds, said county treasurer shall pay the same in full out of the moneys so raised by annual tax therefor and shall thereupon take back said bonds with receipt for the payment thereof and deliver them to the boards of supervisors of said counties for cancellation. Said county treasurers shall deposit at interest the said moneys yearly raised by tax for payment of the principal of said bonds in such bank or depository as shall be designated by the boards of supervisors of said counties, and the amount realized from the interest thereon shall be used for the purposes of the said counties under the direction of the said boards of supervisors.

§ 3. This act shall take effect immediately.

Chap. 121.

AN ACT to amend chapter seven hundred and eighty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts," relating to funds.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of title nine of chapter seven hundred and eighty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts," is hereby amended to read as follows:

Contingent
expenses;
highway
fund.

§ 5. The board of trustees shall direct and cause a sum not exceeding six thousand dollars, for defraying all of the contingent and other expenses of the village, not herein otherwise specially provided for, to be raised annually by a general tax; three thousand dollars of which shall be called the highway fund, and shall be annually expended upon the streets, alleys, lanes, highways, sidewalks, crosswalks, wells, drains, sewers, reservoirs, parks and

public grounds of said village. The tax so directed to be raised shall be assessed upon all of the taxable real and personal property in the village, according to the valuation of the same in the assessment rolls of the current year, filed by the village assessors, after said roll shall be corrected as hereinbefore provided. The said assessments shall be made by the board of trustees, at a meeting thereof, on or before the first day of June in each year; and the trustees shall cause the village assessment roll to be made out, and file a copy thereof in the office of the clerk of the village.

§ 2. This act shall take effect immediately.

Chap. 122.

AN ACT to amend the public health law, relative to the use of methyl or wood alcohol for adulterative purposes.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision a of section forty-one of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," is hereby amended by adding at the end thereof a new paragraph to be known as paragraph four, and to read as follows:

4. If it contains methyl or wood alcohol, in any of its forms, or any methylated preparation made from it.

§ 2. Subdivision b of such section forty-one of such act, is hereby amended by adding thereto a new paragraph to be known as paragraph eight and to read as follows:

8. If it contains methyl or wood alcohol in any of its forms, or any methylated preparation made from it.

§ 3. Subdivision c of such section forty-one of such act is hereby amended to read as follows:

c. In the case of spirituous, fermented and malt liquors, if it contain methyl or wood alcohol in any of its forms, or any substance or ingredient not normal or healthful to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage. In

the case of ale or beer, if it contains any substitute for hops, or pure extract of hops, or if any such substitute is used in the manufacture thereof.

§ 4. Section forty-six of such act is hereby amended to read as follows:

§ 46. Adulteration of wines.—All wines containing alcohol, except such as shall be produced by the natural fermentation of pure undried fruit juices or compounded with distilled spirits, whether denominated as wines or by any other name, which may be used as a beverage or compounded with other liquors intended for such use, and all compounds of the same with pure wine, and all preserved fruit juices compounded with substances not produced from undried fruit in the nature of or intended for use as a beverage, or for use in the fermentation or preparation of liquors intended for such use, and all wines, imitations of wines or other beverages produced from fruit, which shall contain any alum, baryta salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, glycerine, salic acid, or any other antiseptic, coloring matter, not produced from undried fruit, artificial flavoring, essence of ether, methyl or wood alcohol, in any of its forms, or any other foreign substance injurious to health, shall be known as or deemed to be adulterated wine, and shall not be sold, offered for sale or manufactured with intent to sell within this state; and all such wine and every such beverage shall be deemed a public nuisance and forfeited to the state and shall be summarily seized and destroyed by any health officer within whose jurisdiction it shall be found, and the reasonable expense of such seizure and destruction shall be a county charge.

§ 5. This act shall take effect September first, nineteen hundred and five.

Chap. 123.

AN ACT to amend the membership corporation law, relating to taxation of lot owners by cemetery corporations.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-two of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An

act relating to membership corporations constituting chapter forty-three of the general laws," as amended by chapter four hundred and seventy-seven of the laws of eighteen hundred and ninety-seven and chapter seven hundred and sixty-one of the laws of nineteen hundred, is hereby amended to read as follows:

§ 52. Taxation of lot owners by corporations.—If the funds of a cemetery corporation, applicable to the improvement and care of its cemetery wholly outside of a city of the first or second class, or applicable to the construction of a receiving vault therein for the common use of lot owners, be insufficient for such purposes, the directors of the corporation, not oftener than once in any year and for such purposes only, may levy a tax of not to exceed two dollars on the owners of each lot, or, with the written consent of two-thirds of the lot owners, or with the concurrent vote of a majority of the lot owners, at an annual meeting, or at a special meeting duly called for such purpose, may levy a tax on the lot owners at a rate not exceeding five dollars for each lot of average value proportionately to the prices at which the lots were respectively sold by the corporation. Notice of such tax shall be served on the lot owners or where two or more persons are owners of the same lot, on one of them, either personally, or by leaving it at his residence, with a person of mature age and discretion, or by mail, if he resides in a city, town or village where the office of the corporation is not located. If such tax remain unpaid for more than thirty days after the service of such notice, the president and secretary of the corporation may issue a warrant to the treasurer of the corporation, requiring him to collect such tax in the same manner as school collectors are required to collect school taxes; and such treasurer shall have the same power and be subject to the same liabilities in executing such warrant as a collector of school taxes has or is subject to by law in executing a warrant for the collection of school taxes. If the taxes so levied remain unpaid for five years, the amount thereof with interest shall be a lien on the unused portion of the lot which is subject to such tax and no portion of the lot so taxed shall be used by the owner thereof for burial purposes, while any such tax remains unpaid.

§ 2. This act shall take effect immediately.

Chap. 124.

AN ACT to amend chapter four hundred and twenty-nine of the laws of eighteen hundred and eighty-four, entitled "An act to incorporate the New York Cancer Hospital," the name of which hospital was changed by chapter forty-three of the laws of eighteen hundred and ninety-nine, to that of "General Memorial Hospital for the Treatment of Cancer and Allied Diseases," in relation to quorum of managers.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter four hundred and twenty-nine of the laws of eighteen hundred and eighty-four, entitled "An act to incorporate the New York Cancer Hospital," the name of which was changed by chapter forty-three of the laws of eighteen hundred and ninety-nine to that of "General Memorial Hospital for the Treatment of Cancer and Allied Diseases," is hereby amended to read as follows:

Quorum,
powers of.

§ 5. No less than a majority of the managers shall constitute a quorum for the purpose of electing managers and officers, making by-laws, appointing physicians and surgeons, and authorizing the sale of real estate. The by-laws may prescribe how many shall constitute a quorum for all other purposes.

§ 2. This act shall take effect immediately.

Chap. 125.

AN ACT to amend the Greater New York charter, in relation to actions to recover penalties for the violation of any law or ordinance.

Accepted by the city.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen hundred and eighty-four of the Greater New York charter, as re-enacted by chapter four hundred

and sixty-six of the laws of nineteen hundred and one is hereby amended to read as follows:

§ 1384. In any and all actions brought in the name of the people of the state of New York by the attorney-general or in the name of the City of New York, or of any department, board or officer thereof, by the corporation counsel of the City of New York, as attorney for said city, or said department, board or officer thereof, to recover a penalty or penalties for the violation of any law or ordinance, the summons may be issued out of said court by the attorney-general or by the corporation counsel in his own name without the same being subscribed by the clerk of the court where such action or actions are brought, and in such actions the attorney-general or the corporation counsel shall not be required to pay to the clerk of the court the fees in the action, but shall account therefor to the city treasurer and shall collect the same from the defendant, when judgment is recovered; and no fees or costs shall be demanded of the people of the state of New York or the attorney-general or of the said the City of New York, or any department, board or officer thereof in any such suit or proceeding.

Issue of
summons,
manner of.

§ 2. This act shall take effect immediately.

Chap. 126.

AN ACT to terminate the existence of the fire department of the second school district of the town of Glenville, Schenectady county, New York, and to transfer the property thereof to the village of Scotia, New York, and to afford fire protection for the said school district by the fire department of said village of Scotia, New York, and to compensate said village for the same.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the fire department of the second school district of the town of Glenville, Schenectady county, New York, are hereby authorized and required to transfer and deliver to the village of Scotia, New York, all books papers and all other property of every kind and nature, belonging to said fire department of the second school district of the town of Glenville, Sche-

Fire de-
partment
of second
school
district
abolished.

nectady county, New York, and after such transfer and delivery, the office of trustee and the said fire department of the second school district of the town of Glenville, Schenectady county, New York, are hereby abolished, and the existence thereof terminated.

Duties of
village of
Scotia.

§ 2. The village of Scotia, New York, shall in consideration of the transfer directed in section one of this act thereafter keep and maintain a fire department in said village, of equal efficiency of the fire department herein terminated and shall respond to all alarms of fire, and do any and all acts in every portion of the territory of said school district, as now required of the fire department herein terminated.

Trustees
to levy
annual tax.

§ 3. The trustees of the second school district of the town of Glenville, Schenectady county, New York, shall hereafter levy and collect the sum of five hundred dollars, annually in the same manner as now required by law to levy and collect moneys for the support and maintenance of the fire department herein terminated, and shall pay the same to the treasurer of said village of Scotia, New York.

§ 4. All acts or part of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 127.

AN ACT relating to overseers of the poor in the town of Wawarsing, county of Ulster, fixing their compensation, prescribing their powers and duties, and dividing such town into poor districts.

Became a law, March 31, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Division of town into poor districts.—The town of Wawarsing in the county of Ulster, is hereby divided into two poor districts. The first district shall comprise that part of such town situated on the southerly side of the Lackawack creek and on the southerly side of a straight line extended from the juncture of such creek with Sandburg creek to the southeasterly boundary of such town. The second district shall comprise that part of such

town situated on the northerly side of such creek and such line as so extended.

§ 2. Assignment of overseer of the poor to each district.—The town board of such town shall within ten days after the passage of this act assign one overseer of the poor to each of such districts. Of the overseers hereafter elected, one shall reside in each of such districts. Each overseer of the poor shall provide for the relief of the poor in his district, and shall possess as to the poor in such district all the powers, and perform all the duties, of an overseer of the poor of a town, and to the same extent and in the same manner as to such poor, as though such town had not been divided. His powers and duties as to the poor in such district shall be exclusive.*

§ 3. Compensation; expenses.—The overseer of the poor hereafter elected from the first district shall receive an annual salary of one hundred dollars; the overseer of the poor hereafter elected from the second district, shall receive an annual salary of fifty dollars. The salary of each overseer as so fixed shall be in full for all his services as overseer of the poor of such town, and in lieu of all compensation, fees and allowances provided by law. Such salary shall be a town charge and shall be paid in the same manner as other town charges. Each such overseer shall receive in addition to the salary fixed by this act his actual and necessary expenses incurred by him in the performance of his duties, to be audited by the town board of such town.

§ 4. This act shall take effect immediately.

Chap. 128.

AN ACT to enable the towns constituting the county of Nassau to fix and pay an annual compensation to certain town officers therein in addition to the disbursements of said town officers in the performance of their duties.

Became a law, April 3, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. In the towns in the county of Nassau it shall be lawful and the respective town boards of said towns or a ma-

Compensation of town officers; payment of

*So in original.

jority of the members constituting the same are hereby authorized or empowered to fix an annual compensation to be paid to the town officers of said town other than the town officers constituting the said respective town boards and town officers for whom an annual compensation has heretofore been fixed by or in pursuance of any provision of law. The said annual compensation shall not exceed twelve hundred dollars in addition to moneys actually and necessarily disbursed in the performance of the duties of the office; such compensation and disbursements to be audited and paid quarterly in the manner now prescribed by law.

Fees to be
paid into
contingent
fund.

§ 2. All fees received or collected by any town officer whose annual compensation shall be fixed pursuant to the authority herein contained shall pay the same to the supervisor of the town within thirty days after the receipt thereof, and become part of the contingent fund of the town.

§ 3. All acts or parts of acts affecting towns in the county of Nassau inconsistent with this act, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 129.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof" and to terminate the terms of office of the present fire commissioners of said village, and to concentrate the functions heretofore exercised by said fire commissioners, in a single commissioner and to define his powers, duties and liabilities.

Became a law, April 3, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-six of chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof," as amended by chapter one hundred and seventy-eight of the laws of eighteen hundred

and eighty-three, as amended by chapter two hundred and five of the laws of eighteen hundred and eighty-four, as amended by chapter two hundred and thirty of the laws of eighteen hundred and eighty-five, as amended by chapter three hundred and twenty-two of the laws of eighteen hundred and eighty-seven, as amended by chapter five hundred and forty-seven of the laws of nineteen hundred and one, as amended by chapter one hundred and seventy-six of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 26. The terms of office of the fire commissioners of the village of Saratoga Springs shall cease and determine on the passage of this act, and the powers, duties and functions now by law exercised by and imposed upon them, are hereby granted to, and concentrated upon, and vested in a single fire commissioner who shall be appointed by the president of the said village of Saratoga Springs from among the citizens and residents of the village of Saratoga Springs, within five days after the passage of this act. The said commissioner and his successors to be appointed as herein provided, shall be officers of said village, and each and every such commissioner shall constitute the fire commission of said village. The said commissioner unless sooner removed, shall hold office for three years and until the first day of May, nineteen hundred and eight, and until his successor shall be appointed and has qualified. The successor in office of said commissioner shall be appointed by the president of said village within five days after any vacancy shall occur, and if no vacancy shall occur by reason of death, resignation or removal of said commissioner, within ten days prior to the expiration of said term of three years. Every commissioner appointed by or pursuant to this act, shall before entering upon his office and within thirty days after his appointment, take the constitutional oath of office, and file the same with the clerk of said village, and give a bond for the faithful discharge of the duties of his office in the sum of five thousand dollars, with one or more sureties to be approved by the president of said village, and the failure of any person so appointed, to give such bond for thirty days after notice of his appointment by the president of said village, shall be deemed a refusal to accept the same and the office shall thereupon become vacant. The said commissioner when qualified by the taking and filing of said oath and the giving and approval of

Fire commissioner, appointment, powers and duties of, etc.

Appointment of successor to fill vacancy, etc.

Oath and undertaking of commissioner.

Control of
fire appa-
ratus,
funds, etc.

Clerk of
commis-
sioner.

Officers of
fire de-
partment,
appoint-
ment and
compen-
sation of.

Suspension and
removal
of officers.

said bond, and his successors, shall be vested with the entire and exclusive management and control of all the apparatus for the extinguishment of fires, now belonging to said village or which may hereafter be procured, and all property of said village, real and personal, used or intended to be used by the fire department of said village. Said commissioner shall control the expenditures of all funds belonging to said department, and shall keep a record of his proceedings as such commissioner. The village clerk of the village of Saratoga Springs shall be the clerk of said fire commissioner, and shall record the proceedings of said commissioner in a book kept for that purpose and shall receive an annual salary to be fixed by said commissioner, but not to exceed one hundred dollars. No commissioner appointed pursuant to this act shall hold any other village office during the continuance of his term of office. It shall be the duty of said commissioner to continue the present organization of the fire department of said village (upon the system known as the "central house system"), making, however, such changes in the details thereof as he shall from time to time deem best for the efficient performance of its duties. He shall have power to appoint the following officers of said department: A chief engineer, an assistant engineer who shall also serve as a permanent fireman, a superintendent of fire alarm telegraph who shall also serve as a permanent fireman at a salary to be fixed by the said commissioner, but not to exceed twelve hundred dollars per annum for the chief engineer; seven hundred and twenty dollars per annum for the assistant engineer; seven hundred and twenty dollars per annum for the superintendent of fire alarm telegraph. He shall also have the power to employ on such terms as he shall think best, four or more permanent firemen, one of whom shall be designated by the said commissioner, as captain, and thirty call firemen. The compensation of said permanent firemen shall not exceed six hundred and sixty dollars each per annum. Said call firemen shall not be appointed for a longer term than one year, and the compensation of said call firemen shall not exceed the sum of fifty dollars each per annum. The compensation of said officers and employees shall be payable out of the funds of the fire department, and no appointment nor contract for the employment of any person for a longer period than one year shall be made. The appointment or employment of such officers or members shall be subject to

their removal whenever the said commissioner shall deem it best for the interests of the department, but said chief engineer, assistant engineer, captain, superintendent of fire alarm telegraph, and permanent firemen shall not nor shall either of them be removed during the term of their appointment except for cause, and after having had a reasonable opportunity of being heard. The assistant engineer, captain, and permanent firemen, superintendent of fire alarm telegraph, and call firemen shall also be subject to summary suspension at the direction of the chief engineer, which suspension shall continue until such suspended assistant engineer, captain, permanent firemen, superintendent of fire alarm telegraph or call firemen shall be given a hearing if they so desire, before said commissioner. The said commissioner shall notify, at least, five days before said hearing is appointed to be held, each and every such suspended assistant engineer, captain, and permanent firemen, superintendent of fire alarm telegraph and call firemen of the date thereof at which hearing such suspension and the reason therefor shall be reported to the said commissioner by the said chief engineer, whereupon such suspended officer or employee may be heard; and no such suspension by the said chief engineer shall be for a longer period than thirty days, unless the said commissioner at a meeting to be held pursuant hereto, confirms and endorses said suspension. Said commissioner shall annually in the first week of March make a report to the trustees of said village of the items of his disbursements during the year and the general conditions of the affairs of the said department. The said trustees, may also, at any time, call upon said commissioner for a report in writing concerning any of his proceedings; and it shall be his duty to render the same, and upon the resolution of two-thirds of the trustees, an action may be instituted in the name of the village against such commissioner for any damage to the village from his misfeasance, malfeasance or default in the discharge of his duties.

Annual
report of
commis-
sioner.

§ 2. Section twenty-seven of said chapter, as amended by chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty-three, as amended by chapter two hundred and thirty of the laws of eighteen hundred and eighty-five, as amended by chapter three hundred and twenty-two of the laws of eighteen hundred and eighty-seven, is hereby amended to read as follows:

Purchase
of appa-
ratus and
supplies.

§ 27. The said commissioner shall have power, out of the funds of the fire department of said village, to provide supplies, horses, tools, implements and apparatus of all kinds for the purpose of extinguishing fires, and fire telegraphs and alarms, to take exclusive charge of all such property now belonging to said village, to buy, sell, construct and repair the same, and to take any and all such action in relation thereto as may at any time be necessary and proper for keeping said department in an efficient state. He shall also have exclusive custody and control of all the real estate now belonging to the village and used by the fire department, and all real estate which may hereafter be required by the village for the use of the fire department; and shall have power to repair, improve and alter the erections thereon. The said commissioner shall also have power to dispose of any of the personal property belonging to the said department which, in his judgment, shall be or become unfit for use, and the price therefor shall be paid by the purchaser to the receiver of taxes and by him passed to the credit of the fire department. The said commissioner shall also have power to make such ordinances, by-laws, rules and regulations as he may deem proper for providing all proper and precautionary measures to prevent and remove danger from fire, for the extinguishment of fires, and the removal and protection of property exposed to destruction or injury by fire; for pulling down, blowing up and removing buildings to arrest the progress of fires or extinguish the same. But in every case where a building shall be so pulled down, blown up or removed and the same shall be insured, any person holding such policy and having an insurable interest therein, shall be entitled to recover from the village such amount as he would have been entitled to recover against the insurer in case such building had been to the same extent injured or destroyed by fire, and no more. The said commissioner shall also have power to make ordinances and by-laws regulating the erecting, repairing or altering of telegraph, telephone or electric lighting wires upon or in front of any building or buildings within the corporate limits of said village, and to affix penalties for the violation thereof. The said commissioner shall also have the power to establish ordinances, by-laws, rules and regulations for the purpose of establishing, extending or altering fire limits in said village, and preventing the prosecution, within the corporate limits of said village, of any business, occu-

Ordinances
for pro-
tection of
property
from fire.

Ordinances
regulating
erection
and repair
of wires.

Fire limits.

pation, trade or employment which shall subject the building in which the same is carried on, or any building or property contiguous thereto, to any special and extraordinary danger of injury or destruction by fire, and said commissioner may affix such penalties to the violation of any such ordinance, by-law, rule or regulation, as he may deem proper, not exceeding one hundred dollars per day for each day such business, occupation, trade or employment shall be so as aforesaid carried on, after notice to the individual owning, managing or controlling the same, requiring the discontinuance thereof by the said commissioner or any person aggrieved thereby. All the provisions of chapter five hundred and five of the laws of eighteen hundred and eighty-six and the provisions of subdivision fifty-eight of said section twenty-five of chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, as hereby amended relative to the passage and enforcement of rules, regulations, by-laws and ordinances and the infliction and collection of penalties for the breach thereof, are hereby made applicable to the ordinances, by-laws, rules and regulations of the commissioner hereby created, who may proceed in the same manner as said trustees are hereby authorized to do, and all penalties so collected shall be paid to the receiver of taxes and assessments, and by him passed to the credit of the said fire department. There shall also be paid to said receiver of taxes and assessments, and by him be credited to the said fire department, any and all sums required by law to be paid as taxes by incorporated insurance companies doing business in said village, or the agents of such companies. The officers and employees of said department shall be subject to the direction and control of said commissioner and to the rules and regulations which said commissioner shall from time to time adopt; the chief engineer shall, once in each month, and whenever required by such commissioner, report to him the condition of the property of said department and all other information respecting the same which he may require, said chief engineer shall also report to said commissioner the condition of any building in said village which he shall deem unsafe for its occupants, adjoining property, or the public at large; and said commissioner shall have power to compel any owner of any building to erect fire escapes when necessary for the safety of its occupants, and shall have power to prescribe penalties for the failure of any such owner to erect the same, to

Penalties.

Incorporated insurance companies to pay taxes for benefit of fire department.

Report of chief engineer.

Assistance
of police.

be recovered as above provided. The village police shall co-operate with the fire department of said village and shall render such assistance as the officers of said fire department may require in keeping back crowds of people at fires and enabling the officers and employees of said fire department to perform their duties without obstruction or hindrance. They shall also assist in guarding and protecting property removed into the streets or exposed to the flames and prevent theft of, or unlawful interference with, any property so removed or exposed.

§ 3. Section twenty-eight of said chapter, as amended by chapter two hundred and thirty of the laws of eighteen hundred and eighty-five, as amended by chapter three hundred and twenty-two of the laws of eighteen hundred and eighty-seven, is hereby amended to read as follows:

Wooden
structures
within
fire limits.

§ 28. No building, shed, shop or structure of any kind, in whole or in part of wood, shall hereafter be constructed within the fire limits of the village of Saratoga Springs, as said fire limits are now established, or may hereafter be extended by the fire commissioner of said village; nor shall any such building, shed, shop or structure, in whole or in part of wood, now existing or that may hereafter exist within the fire limits of said village, be altered, rebuilt, added to or repaired, in whole or in any part, with wood, except in the way of ordinary repairs of ordinary wear and tear; provided, however, that when any inclosed building, that is to say, a building having lateral exterior walls, completely inclosing its area, and said walls resting in or upon the ground, and said building covered at the top of said walls with a roof, is erected or constructed or now exists, the said exterior walls of which are wholly of brick, stone, iron or other non-combustible substance, wood may be used in the construction, alteration, rebuilding or repairing of its exterior doors, windows, stoops, balconies, cornices and piazzas, and in the construction, alteration, rebuilding and repairing of its interior, and of the roof, provided the roof be covered completely with some metallic or slate fire-proof substance. And it is further provided that privies, not exceeding ten feet high and ten feet square, may be built of wood. If any dwelling-house, store-house, manufactory or other building whatever, shall be erected, constructed, altered or repaired, contrary to the foregoing provisions, the owner or owners thereof shall be deemed guilty of a misdemeanor, and

Penalties.

shall also be liable to a penalty of one hundred dollars for each and every such offense, to be collected of said owner or owners by suit in the supreme or county courts, in the name of the village of Saratoga Springs, and for each and every day thereafter that such violation shall be permitted by said owner or owners to exist, an additional penalty of twenty-five dollars shall be imposed to be collected by the same proceeding and in like manner as hereinbefore set forth; and every builder who shall build or roof, or who shall assist in building or roofing such dwelling-house, store-house, manufactory or other building whatever, shall be liable to a penalty of two hundred and fifty dollars for each and every offense, to be collected by the same proceeding and in like manner as hereinbefore set forth; and all such penalties when collected, shall be paid over to the receiver of taxes of said village, for the use and benefit of the fire department of the village of Saratoga Springs. And in case of any suit or proceeding under the provisions of this section, such owner or owners shall not erect, construct, alter or repair any such dwelling-house, store-house, manufactory or other building, until decision or judgment shall have been rendered therein. Such suits to be prosecuted by the fire commissioner in the name of the village. Every wooden building or frame building, with a brick or any other front, situate within the fire limits of said village, as they now exist or may hereafter exist, which may hereafter be damaged by fire to an amount not greater than two-thirds of the value thereof, exclusive of the foundation, may be repaired or rebuilt; but if said damage shall amount to more than two-thirds of such value, exclusive of the foundation, then such building shall not be repaired or rebuilt, but shall be taken down or removed; the amount or extent of such damage shall be determined by two disinterested persons residing in said village one of whom shall be appointed by the fire commissioner, and the other by the owner or owners of said building; and in case they shall disagree, they are to select a third disinterested person, and the decision in writing of any two of them shall be conclusive and final; and until such decision is rendered, said building shall not be repaired or rebuilt. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and also liable to a penalty of one hundred dollars, to be collected in the same manner and by the same proceeding as hereinbefore set forth.

Prosecution of suits. Frame buildings damaged by fire, repair of.

Penalties.

§ 4. Section twenty-nine of said chapter, as amended by chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty-three, as inserted by chapter three hundred and twenty-two of the laws of eighteen hundred and eighty-seven, as amended by chapter five hundred and forty-seven of the laws of nineteen hundred and one, is hereby amended to read as follows:

Acquisition of
lands or
buildings
for fire
department.

§ 29. Whenever the fire commissioner of the village of Saratoga Springs shall determine that it is necessary for the efficiency of the fire department of said village to acquire any additional real estate therefor, or to erect any new building or additions or repairs to the present buildings of said department, or additions or improvements to the fire alarm telegraph system, he may report that fact to the board of trustees, together with a description of the additional land, buildings, or improvements to the fire alarm telegraph system required, and the said board of trustees may authorize the purchase of such additional real estate and the erection of such additional buildings, or authorize the additions and improvements to the fire alarm telegraph system. It shall be the duty of the fire commissioner after having been authorized so to do, to purchase a suitable lot and easements situated in the village of Saratoga Springs, and take a good and indefeasible title to said lot and easements in the name of said village, and cause the deeds thereof to be recorded, and pay for the said lot and easements and the expenses attending the purchase thereof out of the funds hereinafter provided. As soon as said commissioner shall have purchased a lot as above, it shall be his duty to procure the material and erect such building or buildings according to the plan, architectural design and specification which he may adopt, and for that purpose he shall advertise for at least ten consecutive days for proposals in the official papers of said village, to furnish the material and perform the work and labor, and shall let the same to the lowest responsible bidder, who shall give satisfactory security that the work shall be faithfully done according to the plan, design and specification adopted as aforesaid, with such alterations, however, in the details as the said commissioner may, from time to time, make in any contract to be entered into for the same. Said commissioner shall reserve the right to reject any and all proposals which he may deem disadvantageous to the interests of the village. The names of those persons who are

Erection of
buildings,
proposals
for, etc.

proposed as security for the contractor or person offering to do the work must be stated in the proposal. Within thirty days after the completion of the building or buildings the said commissioner shall make a report to the board of trustees of said village containing a detailed statement of the amounts expended by him, and he shall file the same, together with all contracts, plans, drawings and specifications, with the comptroller of the village of Saratoga Springs. For the purpose of paying for such additional real estate, and erecting, adding to, and repairing any such buildings, or fire alarm telegraph system, the said board of trustees may include in their annual tax levy, a sum not exceeding ten thousand dollars in the year nineteen hundred and five, and not exceeding five thousand dollars in any one year thereafter. And whenever any real estate belonging to said village and used by its fire department, shall, in the judgment of the said fire commissioner, be no longer necessary therefor, said commissioner may, in like manner, report that fact to said board of trustees, together with a description of such real estate, and the said board of trustees may authorize the sale of such real estate. The same notice shall be given of the time and place of such sale as is required in the case of the sale of real estate by a sheriff upon execution. The proceeds of said sale shall be paid by the purchaser to the receiver of taxes, upon delivery of the deed of the lands so sold by him passed to the credit of the fire department. The deed shall be executed by the president of said village in the name of said village, and shall upon the delivery thereof, vest in the purchaser the title to the lands so sold and described in said deed which the village had thereto at the time of such sale. The expenses of such sale shall be paid in the same manner as other expenses of said fire department.

Report
of commis-
sioner to
trustees.

Sale of
real estate
of fire de-
partment.

§ 5. Subdivision three of section fifty-four of said chapter, as amended by chapter two hundred and thirty of the laws of eighteen hundred and eighty-five, as amended by chapter five hundred and forty-seven of the laws of nineteen hundred and one, as amended by chapter one hundred and ninety-six of the laws of nineteen hundred and four, is hereby amended to read as follows:

3. Not exceeding eighteen thousand dollars for the fire department, but in case the fire commissioner shall certify under his hand that the sum of eighteen thousand dollars in any year is insufficient for the necessities of the department, then the said

Tax levy
for fire de-
partment.

board of trustees are authorized in their discretion, to levy and collect any such additional amount as they may deem necessary, not exceeding the sum of two thousand dollars in any one year.

§ 6. All acts and parts of acts not consistent herewith are hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 130.

AN ACT to enable the city of Troy to borrow moneys wherewith to pay its floating indebtedness and fund deficiencies, and to provide for the repayment thereof.

Accepted by the city.

Became a law, April 3, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Troy is hereby authorized, and empowered to borrow a sum of money, not to exceed one hundred and eighty-two thousand nine hundred and twenty-seven dollars and ninety-eight cents, and to pay therewith the outstanding floating indebtedness of said city, incurred prior to the first day of January, nineteen hundred and five, and all deficiencies in funds of said city which arose out of the application of such funds to the payment of indebtedness of said city authorized to be incurred in and by the several annual tax budgets made and adopted prior to said first day of January, nineteen hundred and five and provided to be paid from the collection of taxes levied under such tax budgets and not paid therefrom because said tax budgets were not collected in full.

§ 2. No indebtedness or deficiency shall be paid out of the moneys borrowed under the provisions of this act, unless the same shall have been audited and allowed and ordered paid by the board of estimate and apportionment. Whenever any such indebtedness shall have been audited and allowed and ordered paid by said board of estimate and apportionment, it shall issue its draft therefor upon the city treasurer and the comptroller shall countersign said draft and the treasurer shall pay it out of the funds in his charge borrowed under the provisions of this act.

City
authorized
to borrow
money to
pay float-
ing debts.

Audit and
payment
of debts.

When any such draft shall have been issued to pay a deficiency in any of the funds of said city, it shall be made payable to the city treasurer and shall be transferred, deposited and applied to said fund by him and shall not be used except as a part and for the purposes provided by law of said fund.

§ 3. The board of estimate and apportionment shall, from time to time, make a statement in writing of the indebtedness and deficiencies audited, allowed and ordered paid by it, stating the several amounts of such indebtedness and the names of the persons, firms or corporations to whom it is payable, and the several amounts of such deficiencies and the funds in which they exist and to which they are to be applied. Thereupon, the city of Troy shall borrow the moneys thus ordered paid and the said board of estimate and apportionment shall adopt and approve and transmit to the common council the necessary ordinances or resolutions for the purpose of borrowing such moneys, and the common council shall, thereupon, adopt and pass the said ordinances or resolutions so transmitted to it. To secure the repayment to the lenders of the moneys thus borrowed, the city of Troy shall issue its bonds, which shall be signed by the mayor and treasurer and countersigned by the comptroller and the corporate seal shall be affixed thereto. They may be either registered or coupon bonds, as the majority of said officers shall decide. They shall not bear a rate of interest exceeding four per centum per annum. Such bonds shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in twenty equal annual payments, the last of which shall become due at the end of twenty years after such issue. None of said bonds shall be refunded when they shall become due. And they shall be known as "tax deficiency bonds of the city of Troy." The comptroller shall invite bids for said bonds and shall give the notice required by law of the time when and place where he will receive such bids. At such time and place, he shall publicly open said bids and he shall sell and award the said bonds to the highest bidder or bidders therefor, subject to the approval of the board of estimate and apportionment, but none of said bonds shall be sold at less than par. The board of estimate and apportionment may approve or disapprove such sale and award of said bonds. If it approve, such sale shall be effective and binding; if it disapprove, such sale shall be void; and, thereupon, said

Statement
of indebtedness and
deficiencies.

Bonds,
issue,
terms and
sale of.

comptroller shall again invite bids and sell and award the said bonds in the same manner, subject to the approval of said board of estimate and apportionment. The moneys received upon the sale of said bonds, including the premium, shall be paid over to the treasurer and shall be by him preserved for application to the payments provided to be made therefrom by this act. A list of said bonds shall be kept in the offices of the comptroller and treasurer and shall be there open to public inspection. A sinking fund shall be created, on the issuing of said bonds, for their redemption. Such sinking fund shall be made up of moneys collected by the city treasurer from the following sources, to wit: Taxes levied under the tax budget of nineteen hundred and four collected by the city treasurer on and after the date of the first issue of bonds under this act, less sums refunded therefrom pursuant to law; all interest, percentages and penalties collected with such taxes, less sums refunded therefrom pursuant to law; tax sales for unpaid taxes for the year nineteen hundred and four with all interest, percentages and penalties collected therewith less sums refunded therefrom pursuant to law; redemptions of lands from tax sales for the year nineteen hundred and four and all years prior thereto, together with all interest, percentages and penalties collected with such redemptions, less sums refunded therefrom pursuant to law; and all other taxes and redemptions due at any time prior to the first day of January, nineteen hundred and five, with all interest, percentages and penalties collected thereon, less sums refunded therefrom pursuant to law. The city treasurer shall set apart, as they shall be received by him, all moneys provided to form part of said sinking fund as aforesaid for the creation and maintenance thereof and the comptroller shall take charge thereof and shall manage the same as provided by law. It shall be the duty of the comptroller to preserve the said sinking fund intact for the redemption of the bonds issued under the provisions of this act. The board of estimate and apportionment shall make all necessary provisions for the payment of the principal and interest of said bonds, and such payment shall be made and provided for from said sinking fund, so far as it will pay the same, and, to the amount thereof that said sinking fund shall be insufficient to pay said bonds, by tax upon the real and personal property liable to taxation in said city in the same manner as other expenses of maintaining the government of said city.

Redemption of bonds, sinking fund for.

City treasurer to set apart moneys constituting sinking fund.

§ 4. All acts and parts of acts contrary to or inconsistent with any of the provisions of this act are, to that extent, hereby repealed, so far as they relate to the city of Troy.

§ 5. This act shall take effect immediately.

Chap. 131.

AN ACT to amend chapter nine hundred and five of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the city of Watervliet," generally.

Passed without the acceptance of the city.

Became a law, April 4, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight, title two, chapter nine hundred and five, laws of eighteen hundred and ninety-six, entitled "An act to incorporate the city of Watervliet," as amended by chapter seven hundred and fifty-nine, laws of eighteen hundred and ninety-seven, chapters one hundred and thirty-eight and two hundred and sixty-seven, laws of eighteen hundred and ninety-nine, chapter three hundred and ninety-seven, laws of nineteen hundred and three, and chapter one hundred and eighty-six, laws of nineteen hundred and four is hereby further amended to read as follows:

§ 8. Compensation of city officers.—The aldermen, police commissioners, school commissioners, fire commissioners and electric light commissioners shall receive no compensation for their services; the annual salary of the mayor shall be one thousand dollars; the annual salary of the recorder shall be fifteen hundred dollars; the annual salary of the chamberlain shall be sixteen hundred dollars; the annual salary of the city clerk shall be nine hundred dollars; the annual salary of the city attorney shall be one thousand dollars; the annual salary of the city engineer shall be five hundred dollars; the annual salary of the superintendent of streets shall be six hundred dollars; the annual salary of the commissioner of charities shall be five hundred dollars; the annual salary of the health officer and city physician shall be three hundred dollars; each of the assessors shall receive an annual salary of three hundred dollars; the superintendent of public schools

shall receive an annual salary to be fixed by the board of education, not exceeding two thousand dollars; the captain of police shall receive an annual salary of not less than one thousand dollars and not exceeding twelve hundred dollars, to be fixed by the board of police commissioners; the sergeant of police shall receive an annual salary of not less than nine hundred dollars and not exceeding one thousand dollars, to be fixed by the board of police commissioners; each patrolman shall receive an annual salary of not less than eight hundred dollars and not exceeding nine hundred dollars, to be fixed by the board of police commissioners; each special policeman may receive compensation from the person, society or corporation requesting his appointment, but not from the city. The chief engineer, first assistant engineer and second assistant engineer of the fire department shall receive such compensation as shall be fixed by the board of fire commissioners, not exceeding a total compensation for all of such officers in any one year of nine hundred dollars; the supervisors, justices of the peace and constables, respectively, shall be entitled to the same compensation for their services as the corresponding officers of a town are entitled to receive for like services. The inspectors of election and such other officers as are authorized to be appointed by general laws, shall receive such compensation as is provided by general law, unless otherwise herein provided. No other appointive officer of the city shall be entitled to receive from said city any compensation for his services, unless otherwise provided by a general law.

§ 2. Section one, title four, of said chapter nine hundred and five, laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 1. Organization and procedure of the common council. The common council shall be composed of the aldermen of the city. Within thirty days after the passage of this act and at the first meeting of the common council in January of each year, or as soon thereafter as practicable, the aldermen shall elect from their own number a presiding officer who shall be known as the president of the common council, and who shall preside at all meetings of the common council at which he may be present, until and including the ensuing thirty-first day of December. At any meeting in the absence of the president, one of the aldermen present shall be called to the chair and temporarily preside. The presi-

dent of the common council or an alderman presiding pro tempore shall have the privilege of voting as an alderman and not otherwise, shall not be considered as holding two city offices, and shall cease to be presiding officer upon ceasing to be alderman. If the office of alderman, held by the president of the common council, becomes vacant, the aldermen shall again elect from their own number his successor as president, who shall preside until and including the ensuing thirty-first day of December. The common council shall meet in the common council rooms in the city of Watervliet on the first Wednesday in January of each year, at eight o'clock post meridian. If the first Wednesday in January is a legal holiday, the meeting shall be held on the following day at the same time and place. The common council shall meet at such times during each official year, after their first meeting, as they shall by resolution designate. The presence of a majority of the whole number of aldermen in office shall constitute a quorum of the common council. A majority of the aldermen present and voting at any meeting of the common council at which a quorum may be present, shall be sufficient to pass any resolution or ordinance except that no resolution authorizing or involving the expenditure of money raised by taxation, electing a president of the common council, confirming the appointment of an officer by the mayor, or appointing or removing an officer, shall pass unless it shall receive the affirmative votes of a majority of all the aldermen in office. But this act shall not affect the provisions of the charter of the city of Watervliet relative to the appointment of assessors, school or police commissioners. The ayes and nays shall be called and recorded on all resolutions requiring for passage the affirmative votes of all the aldermen in office, as hereinbefore specified. The president of the common council or any three aldermen may call special meetings by notice in writing served personally upon the aldermen or left at their respective residences or places of business or mailed to their respective postoffice addresses. A mailed notice must be deposited in the postoffice at least twenty-four hours before the time set for holding the special meeting.

§ 3. Section eighteen, title five, of said chapter nine hundred and five, laws of eighteen hundred and ninety-six, as amended by chapter five hundred and thirty-nine, laws of nineteen hundred, is hereby further amended to read as follows:

§ 18. **Estimated expenses to be reported to the mayor.**—The board of education shall, on or before the twentieth day of January in each year, declare and certify to the mayor of the city the amount over and above the state moneys applicable towards the support of common schools in said city by them deemed necessary for the purposes and uses of said board during the ensuing fiscal year of the city, other than for building or enlarging or purchasing of school-houses and the purchase of lots and sites therefor, not however, exceeding the sum of forty thousand dollars which amount so recommended, less the sum received by the city under the provisions of the excise law of the state, and standing to the credit of the general fund on the first day of January last preceding, shall be inserted by the common council in the next annual tax levy. The common council of the city of Watervliet is hereby authorized and directed to insert in the annual tax levy for the year nineteen hundred and five, if this act becomes a law previous to April twenty-first, nineteen hundred and five, the sum of forty thousand dollars for the use of the board of education, less the sum received by the city under the provisions of the excise law of the state and standing to the credit of the general fund on the first day of January, nineteen hundred and five, provided the board of education of said city certifies to the common council that said sum of forty thousand dollars is necessary for the purposes and uses of said board during the ensuing fiscal year.

§ 4. This act shall take effect immediately.

Chap. 132.

AN ACT to amend an act entitled "An act to provide for the acquiring of a site and the erection and furnishing of a new courthouse in the city of Utica for the use of the county of Oneida, and to provide means to defray the expenses thereof and to sell the present courthouse and site and the county clerk's office and site situate in Utica."

Became a law, April 4, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter eighty-nine of the laws of nineteen hundred and one, entitled "An act to provide for

the acquiring of a site and the erection and furnishing of a new courthouse in the city of Utica for the use of the county of Oneida, and to provide means to defray the expenses thereof and to sell the present courthouse and site and the county clerk's office and site situate in Utica," is hereby amended so as to read as follows:

§ 12. The whole amount to be expended by the said board of commissioners, by virtue of this act, in the erection, completion and finishing of said new courthouse, the procuring of lands therefor, and in paying for the services of the clerk, architect, superintendent and assistant, and all other necessary expenses pertaining to the building or construction thereof, shall not exceed the sum of eight hundred and seventy thousand dollars. Said act is further hereby amended by adding thereto the following sections:

§ 16. Within thirty days after the passage of this act the board of supervisors of the county of Oneida shall assemble and it shall be the duty of said board of supervisors to borrow upon the faith and credit of said county such additional sum of money, to that which has already been borrowed under said act, and not exceeding the sum authorized by this act, as shall be required by said board of commissioners by resolution adopted by said board of commissioners which shall be certified to by the chairman and clerk of said board of commissioners and served upon the chairman or clerk of said board of supervisors or presented at any meeting of said board of supervisors. The bonds upon which said money is borrowed shall bear interest at the rate of three and one-half per centum per annum, payable semi-annually and the bonds shall be payable within forty years from the issue thereof; as shall be provided by said board of supervisors, but not less than twenty-two thousand nor more than twenty-five thousand dollars shall be made payable in any one year. All the provisions of said chapter eighty-nine of the laws of nineteen hundred and one, in regard to the raising of money, sale of bonds, disposal of the proceeds thereof and the payment of bonds, not inconsistent with this act, shall be applicable to the raising of the said additional sum of money, the sale of the bonds, the payment thereof, the disposition of the proceeds thereof and the accounting therefor under this act.

§ 17. This act shall take effect immediately.

Chap. 133.

AN ACT to amend chapter seven hundred and eighteen of the laws of nineteen hundred and four, entitled, "An act authorizing the selection of lands as a site for the New York state training school for boys, and establishing the said school," in relation to report, and exchange of lands.

Accepted by the city.

Became a law, April 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter seven hundred and eighteen of the laws of nineteen hundred and four is hereby amended to read as follows:

§ 4. **Report to the legislature.**—They shall report to the legislature of nineteen hundred and six the terms upon which such lands can be purchased, and whether a good, clear and unincumbered title thereto can be conveyed to the state, and shall attach to such report a corrected copy of each of such contracts. If such terms cannot be made with the owners of any of the lands so selected, and a contract for the purchase thereof has not been made, such report shall contain an estimate of the amount for which such lands can probably be purchased based upon such facts as may be ascertained by them. They shall at the same time submit to the legislature proposed bills for the purpose of completing the erection and equipment of new buildings on the site selected by them, for the removal of the inmates confined in the house of refuge for juvenile delinquents as established by the society for the reformation of juvenile delinquents in the city of New York, for the future commitment of juvenile delinquents to the institution so erected on such new site for the management and maintenance of such institution, and providing generally for carrying out the objects and purposes of this act.

§ 2. Section seven of said chapter is hereby amended to read as follows:

§ 7. **Negotiations with city authorities.**—Such commission shall enter into negotiations with the city of New York acting by and through the commissioners of the sinking fund of said city for

the purpose of agreeing on terms and conditions in consideration of which the state and managers of the society for the reformation of juvenile delinquents in the city of New York shall abandon the lands and buildings on Randall's island in said city, now occupied by the house of refuge for juvenile delinquents in the city of New York and shall relinquish all their right and interest therein and permit the same to revert to the city of New York. Such commission and said society may execute an agreement with the said city of New York acting by and through said board of commissioners of the sinking fund of said city conditioned upon such abandonment and relinquishment whereby said city of New York shall convey in exchange therefor to the state of New York so much of the lands and buildings situated north of Clarkson street and extending from Albany avenue to Utica avenue in the borough of Brooklyn, city of New York, as are now used for state hospital purposes, under lease from said city, or as a potter's field by said city of New York, in fee simple, free and clear of all encumbrances; and in consideration thereof the state of New York and said society for the reformation of juvenile delinquents in the city of New York shall agree to abandon and relinquish to the city of New York the buildings and lands on Randall's island now occupied as a house of refuge for juvenile delinquents in the city of New York, together with all their right, title and interest therein, and the same shall revert to and become the property of the said city of New York, as provided in said agreement. Said contract shall provide, however, for the continued use and occupation of said lands and buildings on Randall's island by the state of New York, and society for the reformation of juvenile delinquents in the city of New York, until other lands shall have been acquired under the provisions of this act, and buildings, with their appurtenances shall have been constructed thereon sufficient to accommodate the inmates confined in said house of refuge on Randall's island at the time of such removal, and also the necessary officers and employees required for the proper management and care of the institution there to be conducted as a state training school for boys. Until the transfer of the officers, employees and inmates of said house of refuge on Randall's island to the new site purchased as provided in this act, and the delivery of the deed of said property between Albany ave-

nue and Utica avenue, north of Clarkson street, in the borough of Brooklyn, city of New York, hereinbefore referred to, the lease existing for the portion of said premises used by the state of New York for state hospital purposes, between the city of New York and the state of New York, shall be extended for a further term of at least five years, unless sooner terminated at the option of the said state of New York, on the same terms and conditions as now contained therein. The city of New York acting by and through the commissioners of the sinking fund of said city is hereby authorized to enter into the agreement and lease herein referred to, and to execute and deliver to the state of New York a deed for the said property north of Clarkson street and extending from Albany avenue to Utica avenue in the borough of Brooklyn, city of New York, hereinbefore referred to, in fee simple absolute, free and clear of all encumbrances.

§ 3. This act shall take effect immediately.

Chap. 134.

AN ACT to extend the boundaries of the city of Rochester, and to include therein the village of Brighton and a portion of the town of Brighton.

Accepted by the city.

Became a law, April 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter fourteen of the laws of eighteen hundred and eighty, as amended by chapter five hundred seventy-two of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

§ 2. The boundaries of said city shall be as follows: Beginning at a point in the present northerly line of said city of Rochester, which said point is in the middle of the Ridge road eight chains and seventy-five links distant easterly from the top of the east high bank of the Genesee river; thence south fifteen minutes east to the north line of Norton street; thence easterly on the said north line of Norton street to a point two hundred feet easterly from the east line of lot number forty-eight in the town of Irondequoit; thence southerly on a line parallel with the

Description
of city
boundaries

said east line of said lot number forty-eight, and at a distance of two hundred feet easterly therefrom to the south line of the highway called Waring street; thence southeasterly along the south line of Waring street, and the said line continued, to a point which is the intersection of the said line with the east line of the highway known as Culver road; thence southwesterly on said line of said Culver road to its intersection with the northerly boundary line of the village of Brighton; thence easterly on said northerly line of the village of Brighton to the northeasterly corner of the said village of Brighton; thence southwesterly along the easterly line of the village of Brighton, being also along the easterly line of town lots nineteen and twenty of the town of Brighton, to the southeasterly corner of the said village of Brighton; thence westerly on the southerly line of the village of Brighton to its intersection with the easterly line of lot thirty-six of the town of Brighton; thence southerly along said easterly line of said lot thirty-six to a point about four hundred feet northerly from the northerly line of Highland avenue and where the southerly line of the lands of the proposed Rochester city reservoir, produced easterly, would meet the same; thence westerly along said line produced and along said line about eight hundred feet to a stake said stake being fifty feet easterly, measured at right angles, from the division line between the lands formerly owned by Edna C. Cobb and lands of Lillian C. Davis; thence southerly on a line parallel to said division line and fifty feet easterly, measured at right angles therefrom, about two hundred and ninety feet to a stake in the northerly line of said Highland avenue; thence southerly at right angles to said Highland avenue forty-nine and one-half feet to a point in the southerly line of said Highland avenue; thence westerly along the southerly line of Highland avenue, and that line produced, to its intersection with the southwesterly line of Monroe avenue; thence northwesterly on the said southwesterly line of Monroe avenue to the lands of the Rochester orphan asylum; thence southwesterly along the division line between said lands of said orphan asylum and lands of Ellwanger and Barry to the present city line, being the east line of the Culver road produced southerly; thence southwesterly along said present city line to the north line of lot thirty-seven of the town of Brighton; thence westerly on the line of the north line of said lot thirty-seven to

the lands of the Rochester orphan asylum; thence southwesterly along the division line between the lands of said orphan asylum and the lands of Ellwanger and Barry to a point which is eight hundred and forty and two-tenths feet from the center of Monroe avenue measured on said division line; thence southeasterly along the division line between said lands of said orphan asylum and lands of Ellwanger and Barry four hundred four and fifty-nine one-hundredths feet to the northerly line of Highland avenue; thence southwesterly along the northerly line of Highland avenue eight hundred ninety-four and five-tenths feet to a stone monument; thence northwesterly along the division line between lands of the Rochester orphan asylum and lands now or formerly owned by James D. Cobb one hundred ninety-nine and seventy-seven one hundredths feet to a stone monument; thence westerly along the division line between said Cobb lands and lands of the Rochester orphan asylum five hundred seventeen and eight-tenths feet to a stone monument; thence northeasterly along the division line between lands conveyed by Laura B. Adams to Willard Hodges by deed recorded in liber three hundred and thirteen of deeds at page three hundred and fifty-nine Monroe county clerk's office, and lands of the Rochester orphan asylum three hundred fifty-nine and seven-tenths feet to a stone monument; thence easterly along the northerly line of lands of the Rochester orphan asylum four hundred seventeen feet to the intersection of said last line with the center line of Adelaide street produced southerly; thence northeasterly along said line of the center line of Adelaide street produced southerly, to the north line of lot forty-five of the town of Brighton; thence westerly along the said north line of said lot forty-five and the north line of lot fifty-three, in said town of Brighton, to a point in the north line of said lot fifty-three, two hundred and ninety feet easterly from the northeast corner of lot number sixty-one in said town; thence southerly on a line parallel with the east line of said lot number sixty-one to the northerly line of a road known as Elmwood avenue; thence westerly along the northerly line of said road known as Elmwood avenue about three hundred feet to the division line between said town lots fifty-three and sixty-one, thence southerly along said division line between lots fifty-three and sixty-one, and along the division line between town lots fifty-four and sixty-two of said town of Brighton, through

land owned by the county of Monroe, and along the easterly line of land formerly owned by Reuben N. Booth and now owned by the state of New York, about three thousand one hundred and twenty feet, to land now or formerly owned by Hiram Smith; thence westerly along the division line between the lands owned by the said state of New York, formerly owned by said Booth, and lands of said Smith and along said line prolonged westerly, about two thousand three hundred feet to the westerly line of the highway known as South avenue; thence northerly along said westerly line of South avenue about six hundred and ninety feet to an angle in said highway; thence still northerly along said westerly line of South avenue about two thousand two hundred and ninety-five feet to the northerly line of said road known as Elmwood avenue; thence westerly along the northerly line of said road known as Elmwood avenue to a point, which said point is at the intersection of the northerly line of said Elmwood avenue with the westerly line of the lands now owned by the New York, Lake Erie and Western railroad company; thence southerly on the westerly line of the said lands now owned by said railroad company to a point in the center of the Westfall road, so called; thence westerly along the center of the Westfall road to a point in the center of the said Westfall road, where the said road makes an angle to the north; thence southwestwardly in a straight line twenty-four hundred feet through lands now owned by or known as the Harmon farm, and the Baker farm, to a point where the east bank of the Genesee river intersects the west line of the Wolcott road, so-called; thence northeasterly along the east shore of the Genesee river about eight hundred and fifty feet to a point where the northerly line extended of a road running between lands of E. Chapin and Mathias Kondolf on the west side of said river would intersect said east bank of said river; thence westerly along said line so extended and continuing along the said line to a point where the said line intersects the easterly line of lands now owned by the Western New York and Pennsylvania railroad company; thence northeasterly along the east line of said lands owned by said company, to a point where the east line of said railroad would be intersected by the center line of Genesee street produced southwestwardly; thence northeasterly through the center of a road, which is the continuation of Genesee street, to a point where the center line of said Genesee street in-

tersects the present southerly line of said city, formerly the south line of the town of Gates; thence westerly along the south line of the city of Rochester, formerly the south line of the town of Gates, to a point two hundred feet westerly from the west line of Thurston avenue; thence northerly on a line parallel with the west line of said Thurston avenue and two hundred feet westerly therefrom to the northerly line of Brooks avenue; thence easterly along the northerly line of said Brooks avenue to a point in the prolongation southerly of the east line of lot number one hundred sixty-eight of the town of Gates; thence northerly along said prolongation southerly of said east line of lot number one hundred and sixty-eight to a point thirty feet southerly at right angles from the south line of lot number twenty-two of the four thousand acre tract; thence westerly parallel with the said south line of said lot number twenty-two and thirty feet southerly therefrom to the east line of the said Thurston avenue; thence northerly on the easterly line of said Thurston avenue to the north line of lot number twenty-two of the four thousand acre tract; thence easterly on the north line of said lot number twenty-two to a point intersected by the east line of lot number one hundred and sixty-eight of the twenty thousand acre tract, produced southerly, to the north line of said lot number twenty-two; thence northerly on the east line of said lot number one hundred and sixty-eight produced southerly and on the east line of said lot number one hundred and sixty-eight to the northerly line of a highway known as Chili road; thence westerly along the northerly line of said Chili road to the west line of a street known as Gardiner avenue; thence northerly along the west line of said Gardiner avenue sixty feet; thence westerly at right angles with Gardiner avenue seventy-five feet; thence southerly parallel with said Gardiner avenue to the aforesaid northerly line of Chili road; thence westerly along the northerly line of said Chili road to the easterly line of a highway called Lincoln avenue; thence northerly along the easterly line of said Lincoln avenue to the south line of a highway called the Buffalo road; thence easterly along the southerly boundaries of the said Buffalo road to the east line of lot one hundred and sixty-eight of the town of Gates; thence northerly along the east line of lots one hundred and sixty-eight, seventy-six, seventy-five, seventy-four and seventy-three of the town of Gates, continued

on the east line of lots seventy-two, seventy-one and seventy of the town of Greece, to a point twenty rods north of the center of the highway known as the Big Ridge road; thence easterly parallel with the center line of said road and twenty rods distant northerly therefrom and on said line produced easterly, to a point twelve hundred feet easterly from the east line of Lake avenue; thence northerly on a line parallel with Lake avenue ten hundred and eleven feet to a point; thence north thirty-six degrees and twenty six minutes west, eight hundred and eighty-eight feet to a point; thence north, twelve degrees and four minutes west, to the center of a road leading to Hanford's landing; thence easterly along the center of said road leading to Hanford's landing to a point fifty feet westerly from the west high bank of the Genesee river; thence northerly parallel with the top of the west high bank of the Genesee river and fifty feet distant westerly therefrom to the north line of the lands of William Merrill; thence easterly along said line and said line produced easterly to the east bank of the Genesee river; thence northerly along the east bank of the Genesee river in its various courses, to the north line of lot fourteen in the township fourteen, in the seventh range of townships in the town of Irondequoit; thence easterly along the north line of said lot fourteen, to the east line of the lands owned by the Rome, Watertown and Ogdensburg railroad company; thence southerly along the east line of lands owned by the said Rome, Watertown and Ogdensburg railroad company to the middle of the Ridge road; thence westerly along the middle of the Ridge road to the place of beginning.

§ 2. Section four of chapter fourteen of the laws of eighteen hundred and eighty is hereby amended so that the word "twenty" first therein appearing shall be, and the same hereby is, changed so as to read "twenty-one"; the intention herein being to amend said section so that it shall provide that the said city shall be divided into twenty-one wards.

City to be divided into twenty-one wards.

§ 3. Section four of chapter fourteen of the laws of eighteen hundred and eighty is hereby amended by adding thereto at the end thereof a new subdivision to read as follows:

TWENTY-FIRST WARD.

All that part of the said city included within a line beginning at a point in the east line of the highway known as the Culver

Description of boundary.

road at its intersection with the northerly boundary line of the village of Brighton; thence easterly on said northerly line of the village of Brighton to the northeasterly corner of said village of Brighton; thence southwesterly along the easterly line of the village of Brighton, being also along the easterly line of town lots nineteen and twenty of the town of Brighton, to the southeasterly corner of the said village of Brighton; thence westerly on the southerly line of the village of Brighton to its intersection with the easterly line of lot thirty-six of the town of Brighton; thence southerly along said easterly line of said lot thirty-six to a point about four hundred feet northerly from the northerly line of Highland avenue and where the southerly line of the lands of the proposed Rochester city reservoir, produced easterly, would meet the same; thence westerly along said line produced and along said line about eight hundred feet to a stake, said stake being fifty feet easterly, measured at right angles, from the division line between the lands formerly owned by Edna C. Cobb and lands of Lillian C. Davis; thence southerly on a line parallel to said division line and fifty feet easterly, measured at right angles therefrom, about two hundred and ninety feet to a stake in the northerly line of said Highland avenue; thence southerly at right angles to said Highland avenue forty-nine and one-half feet to a point in the southerly line of said Highland avenue; thence westerly along the southerly line of Highland avenue, and that line produced, to its intersection with the southwesterly line of Monroe avenue; thence northwesterly on the said southwesterly line of Monroe avenue to the lands of the Rochester orphan asylum; thence southwesterly along the division line between said lands of said orphan asylum and lands of Ellwanger and Barry to the present city line, being the east line of the Culver road produced southerly; thence southwesterly along said present city line to the north line of lot thirty-seven of the town of Brighton; thence westerly on the line of the north line of said lot thirty-seven to the lands of the Rochester orphan asylum; thence southwesterly along the division line between the lands of said orphan asylum and the lands of Ellwanger and Barry to a point which is eight hundred and forty and two-tenths feet from the center of Monroe avenue measured on said division line; thence southeasterly along the division line between said lands of said orphan asylum and lands of Ellwanger and Barry four

hundred four and fifty-nine one-hundredths feet to the northerly line of Highland avenue; thence southwesterly along the northerly line of Highland avenue eight hundred ninety-four and five-tenths feet to a stone monument; thence northwesterly along the division line between lands of the Rochester orphan asylum and lands now or formerly owned by James D. Cobb one hundred ninety-nine and seventy-seven one-hundredths feet to a stone monument; thence westerly along the division line between said Cobb lands and lands of the Rochester orphan asylum five hundred seventeen and eight-tenths feet to a stone monument; thence northeasterly along the division line between lands conveyed by Laura B. Adams to Willard Hodges by deed recorded in liber three hundred and thirteen of deeds at page three hundred and fifty-nine Monroe county clerk's office, and lands of the Rochester orphan asylum three hundred fifty-nine and seven-tenths feet to a stone monument; thence easterly along the northerly line of lands of the Rochester orphan asylum four hundred seventeen feet to the intersection of said last line with the center line of Adelaide street produced southerly; thence northeasterly along said line of the center line of Adelaide street produced southerly to its intersection with the north line of lot forty-five of the town of Brighton; thence easterly along the north line of said lots forty-five and thirty-seven of the town of Brighton to the present city line, being the easterly line of the Culver road produced southerly; thence northerly along the last-mentioned line and the easterly line of the Culver road to a point where the north line of the Erie canal lands intersects the said easterly line of the Culver road; thence easterly along the north bounds of said Erie canal lands to the east line of town lot thirty-six of the town of Brighton; thence northerly along said east line of said town lot thirty-six to the northeast corner thereof; thence westerly along the north line of said town lot thirty-six to a point where the same intersects the east line of Leighton avenue; thence northwesterly along a line which produced to the east line of Culver road would intersect the same two hundred and fifty-two and four-tenths feet north of where the north line of Park avenue intersects the east line of said Culver road; thence northerly along the easterly line of the said Culver road to the place of beginning, shall constitute the twenty-first ward.

Boundaries
of other
wards not
changed.

§ 4. The boundaries of the other wards of the city of Rochester shall remain as now constituted and shall not be deemed to be extended or changed by reason of the change or extension of the city boundaries as made by this act.

Annexed
territory to
remain in
first assembly
district.

§ 5. The territory herein annexed to the city of Rochester and known as the twenty-first ward shall remain in and be a part of the first assembly district of Monroe county as now constituted, and until said assembly district shall be changed according to law.

Remainder
of town of
Brighton
to continue
as a separate
town.

§ 6. The territory hereby annexed to the city of Rochester shall cease to be a part or portion of the town of Brighton, or of the school commissioner district, or of the school districts in which such territory is now included. The said town of Brighton, excluding the portions thereof hereby annexed to the city of Rochester, shall remain a separate and distinct town, as now constituted and the several school districts in which the territory hereby annexed to the city of Rochester is now included shall, excluding the territory hereby annexed to the city of Rochester, remain separate and distinct school districts as now constituted until changed according to law.

Village of
Brighton
abolished.

§ 7. Upon the taking effect of this act the municipal corporation, known as the village of Brighton, shall cease and determine, and all offices, positions and employments pertaining to the local government of said village are hereby abolished, and the terms of office of all officers of said village and the duration of employment of all employees thereof of whatever grade or character, are hereby terminated.

Government
of annexed
territory.

§ 8. Upon the taking effect of this act, the territory hereby added and annexed to the city of Rochester shall become a part of said city of Rochester, and shall be governed and administered in all respects the same and be subject to the same laws and ordinances as the remainder of said city of Rochester, except that in order to qualify any person residing in said annexed territory to vote at the primary election held in the year nineteen hundred and five, it shall not be necessary for such person to have previously been enrolled, and such person may vote at such primary election in said annexed territory in the primary district in which he resides at the primary of the political party with which he is affiliated, provided he may be qualified to vote for the officers to be nominated thereat on the day of election, and

Primary
elections.

excepting also that any justice of the peace residing in said annexed territory at the time of the passage of this act, shall retain and have the same powers, duties and jurisdiction after the passage of this act as before, until the expiration of the term for which he was elected, notwithstanding his continued residence within the limits of said annexed territory, and shall be and remain one of the officers of the town of Brighton. The powers and duties of the school commisssioner now having jurisdiction over said annexed territory, and of all village, town, highway, and school district officers and employees, excepting justice of the peace, over and in regard to said territory shall cease and determine upon the taking effect of this act, except as hereinafter provided for the collection by proper officers of certain taxes now levied. Any or all persons employed by the village of Brighton or by school district number two of the town of Brighton, may be transferred to the service of the city of Rochester without civil service examination.

Powers of
certain
officers to
cease.

§ 9. The public highways and streets in the territory hereby added and annexed to the city of Rochester shall be and become highways and streets of the city of Rochester, and the rights, easements and title of the public or of the state of New York and its civil divisions, or of the town or village in and to the highways and streets in said annexed territory shall vest in and become the property of the city of Rochester.

Highways
and streets
to become
streets of
city of
Rochester.

§ 10. The title to all real and personal property belonging to the village of Brighton or to school district number two of the town of Brighton, is hereby vested in the city of Rochester, and the title to all real property which is now held by or in the name of the trustees of said village or of said school district, is hereby transferred to and vested in the city of Rochester, except that the school property, real or personal, of school district number two connected with the schoolhouse known as the "annex", and located in that part of said district not hereby annexed to the city of Rochester, shall remain the property of school district number two as existing after this act takes effect. All valid contracts entered into by said village of Brighton or said school district which remain unexecuted shall be assumed and performed by the city of Rochester, and all the outstanding indebtedness of the said village of Brighton and of said school district as now existing shall be a charge upon, and shall be paid by, the

Title of
property
vested in
city of
Rochester.

Exception

Contracts
to be as-
sumed by
the city.

city of Rochester as the same shall become due and payable, except that any and all unexecuted contracts of, and all indebtedness of said school district number two which relate solely to the said "annex" school, shall not be performed by or assumed by the city of Rochester, but shall be and remain a liability upon and shall be performed and discharged by said school district number two as existing after this act takes effect.

§ 11. All taxes and assessments of the village of Brighton and of school district number two of the town of Brighton, so far as such school district taxes relate to property located within that portion of said school district hereby annexed to the city of Rochester, which shall have been levied and shall remain uncollected, in whole or in part, when this act takes effect, shall be and are hereby declared to be valid and effectual, notwithstanding any irregularity in the making, levying, and assessment of the same, and shall be valid liens on the lands against which the same are assessed, and valid debts against the persons in whose name the same were assessed, and shall belong to, and be collectable by, the city of Rochester, and said city may collect the same by action, supplementary proceedings, or by the foreclosure of the liens of said taxes and assessments, in the same manner as is provided for the foreclosure of mortgages. And all taxes of school district number two of the town of Brighton levied upon property located in that part of said district which is not hereby annexed to the city of Rochester, shall, if unpaid, belong to and be collected by the proper officers of school district number two. All money belonging to the village of Brighton when this act takes effect shall be and become the property of the city of Rochester and shall forthwith be paid over to the treasurer of said city. All money belonging to school district number two of the town of Brighton when this act takes effect, shall be paid over to the treasurer of the city of Rochester, and all school moneys apportioned to said school district prior to July first, nineteen hundred and five, and all money from any source except taxation which would have been payable to said school district prior to July first, nineteen hundred and five had the said district remained unchanged by the passage of this act, shall be paid to the treasurer of the city of Rochester. The treasurer of the city of Rochester and the school commissioner of the first commissioner district of Monroe county, shall, as fast as said moneys are paid

Unpaid taxes and assessments of village of Brighton and school district number two declared valid.

Unpaid taxes of remainder of school district number two.

Disposition of money belonging to school district number two.

over to the said treasurer, apportion the same between the city of Rochester and school district number two of the town of Brighton, such apportionment to be according to the number of pupils enrolled when this act takes effect in the schools of district number two, from that portion of the district hereby annexed to Rochester and from that portion of the district not so annexed, and the said treasurer and commissioner shall make a certificate or certificates from time to time as may be necessary of such apportionment of said moneys, such certificates to be made in duplicate, and they shall file one in the office of the comptroller of the city of Rochester and the other with the treasurer of said school district number two, and thereupon the city of Rochester shall pay over to the treasurer, or other proper officer, of said school district number two, its share of said moneys according to such apportionment.

§ 12. The title to the real and personal property owned by the town of Brighton or by school district number eight of said town, portions of which are, by the provisions of this act, annexed to the city of Rochester, shall remain in the town and said school district which now owns such property respectively, and no portion of the debts and no contracts of said town or school district shall be assumed by, or be a charge of liability upon, the city of Rochester. All taxes which at the time this act takes effect shall have been levied upon the property in the territory hereby annexed to the city of Rochester for town purposes or school purposes of school district number eight, shall be collected pursuant to existing laws by the proper officers of the town or school district for which they were levied, and shall be applied to the purposes for which they shall have been levied.

Title to
property of
school dis-
trict num-
ber eight.

§ 13. The town of Brighton is hereby released from the support of all paupers who are actual residents upon the territory hereby annexed to the city of Rochester, and they are hereby made a charge upon the city of Rochester.

Support of
paupers.

§ 14. Any franchise or right of any public service corporation in the village of Brighton or in the other territory hereby annexed to the city of Rochester shall not be extended or enlarged, and the territory in respect to which such franchise or right was granted shall not be extended or enlarged, by reason of the annexation of said territory to the city of Rochester, and any contracts entered into between a public service corporation and the village

Franchise
and con-
tracts not
extended.

of Brighton or the town of Brighton, shall not be construed to apply to or affect any larger or greater extent of territory than was included within the boundaries of said village or town at the time such contracts were made and the territory affected by such contracts shall not be deemed to be enlarged or extended by reason of the provisions of this act. Any street surface railroad corporation which may have filed or shall before the passage of this act file in the clerk's office of the county of Monroe a map of its route through the town and village of Brighton, if unable to agree for the purchase of any real property, or right, interest or easement therein, within the territory of the town and village of Brighton annexed to the city of Rochester by this act, and required for the purpose of its railroad, or if the owner thereof shall be incapable of selling the same, or if after diligent search and inquiry the name and residence of such owner cannot be ascertained, shall, after the passage of this act, have the right to acquire title thereto by condemnation in the manner and by the proceedings provided by the condemnation law, any statute to the contrary notwithstanding.

Fire arms,
use of.

§ 15. Fire arms may be discharged upon the premises owned or occupied by any regularly organized gun club situated within the territory hereby annexed to the city of Rochester, subject to regulation and prohibition by ordinances of the common council.

Assessment
roll of
twenty-first
ward, con-
tents of.

§ 16. The assessors of the city of Rochester are hereby required to prepare, in the manner and form prescribed by law for the other assessment rolls of the city of Rochester, an assessment roll for the year nineteen hundred and five for the twenty-first ward hereby created. The assessors shall also place on said roll against the property on which it was originally taxed or assessed, any tax or assessment remaining due and unpaid made by the village of Brighton or school district number two of the town of Brighton, upon property located upon that portion of said school district hereby annexed, together with interest thereon at six per centum per annum from the date the same become due to the first day of May, nineteen hundred and five, and the same shall thereupon become a part of the general city tax against said property. The assessors shall also place on said roll all personal taxes remaining due and unpaid made by said village or said school district number two against persons resident in said village or that part of said school district hereby annexed together with interest thereon at

six per centum per annum from the date the same became due to May first, nineteen hundred and five, and the same shall thereupon become a part of the general city tax. After said rolls have been prepared, the assessors shall meet at their office for three successive days to hear the allegations and objections of all persons interested in said assessments, of which at least three days' notice shall be given by publication in four or more daily papers published in said city, and the assessors shall thereupon review and correct said assessments. Said assessment roll shall be delivered with the other assessment rolls of the city of Rochester to the city clerk and the taxes shall be extended thereon without exemption and the taxes therein set forth shall be collected at the same time and as a part of the general city taxes of the city of Rochester for the year nineteen hundred and five, and a copy of said assessment roll shall be delivered to the supervisor of the twenty-first ward for the use of the board of supervisors of Monroe county on or before the first day of October, nineteen hundred and five. Only that portion of a farm or lot actually situate within the territory hereby annexed to the city of Rochester shall be taxed and assessed in the city of Rochester, and the remainder of any farm or lot in said annexed territory which shall, after this tax takes effect, lie partly within the city limits and partly without, shall be taxed and assessed in the tax district in which it is situate.

Correction
and review
of assess-
ments.

Assessment
of farms.

§ 17. The offices of supervisor, alderman and constable of the twenty-first ward of the city of Rochester are hereby created, and the respective powers and duties of such supervisor, alderman and constable, the mode and time of election, and the duration of the terms of office and eligibility thereto, shall be the same as is now, or may hereafter be, provided by law for supervisors, aldermen and constables of the city of Rochester. Vacancies are hereby declared to exist from the time this act takes effect in the offices of supervisor, alderman and constable of the twenty-first ward of the city of Rochester, and such vacancies, after this act takes effect, shall be filled by the common council. Any qualified elector who has been a resident of the annexed territory for five months shall be eligible to fill any of such vacancies, and the term of office of the persons elected shall extend to January first, nineteen hundred and six.

Offices of
twenty-first
ward cre-
ated; their
powers and
duties.

Vacancies.

§ 18. This act shall take effect immediately.

Chap. 135.

AN ACT to release to Florence W. Barrett, all the right, title and interest of the people of the state of New York, in and to certain real estate situate in the city of Buffalo, county of Erie and state of New York.

Became a law, April 5, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

Section 1. All the estate, right, title and interest of the people of the state of New York, acquired by escheat, forfeiture or otherwise, of, in and to all that certain piece or parcel of land, situate in the city of Buffalo, county of Erie and state of New York, beginning at a point in the west bounds of Walnut street, two hundred eighty feet northerly from the intersection of the northerly line of Sycamore street with said line of Walnut street; thence westerly and parallel with Sycamore street one hundred six and one-half feet; thence northerly and parallel with Walnut street thirty feet; thence easterly and parallel with Sycamore street one hundred six and one-half feet to the west line of Walnut street; thence south on the west line of Walnut street thirty feet to the place of beginning, more or less, are hereby released to Florence W. Barrett of the city of Buffalo, county of Erie and state of New York, and to her heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair, release or affect any right, claim or interest of any heir at law, devisee, purchaser, or creditor by judgment, mortgage or otherwise, in and to said premises or any part thereof.

§ 3. This act shall take effect immediately.

Chap. 136.

AN ACT to amend the penal code prohibiting the corrupt influencing of agents, employees or servants.

Became a law, April 5, 1905, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by inserting therein at the end of title eleven a new section to be known as three hundred and eighty-four-r, and to read as follows:

§ 384-r. **Corrupt influencing of agents, employees or servants.**—Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 137.

AN ACT to provide for the publication by the county clerk of Westchester county of certain official notices, repealing chapter two hundred and seven of the laws of nineteen hundred and four.

Became a law, April 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Statements
of canvass,
publica-
tion of.

Section 1. The county clerk of Westchester county shall cause to be published annually once in four newspapers published in the county, the statements of canvass made by the county board of canvassers of said county of the votes cast at the annual election, which statements are provided for and required by section one hundred and thirty-five of the election law.

Election
notice,
publica-
tion of.

§ 2. The county clerk of Westchester county shall cause to be published in six newspapers published in said county the notice of each general election required to be published by section five of the election law for the time provided in said section, the publication herein provided for being in addition to the publication provided for in said section.

Laws
repealed.

§ 3. Chapter two hundred and seven of the laws of nineteen hundred and four is hereby repealed.

§ 4. This act shall take effect on the first day of September, nineteen hundred and five.

Chap. 138.

AN ACT to provide for the publication by the board of supervisors of Westchester county of certain official notices in said county and repealing chapter two hundred and six of the laws of nineteen hundred and four.

Became a law, April 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of the county of Westchester shall cause to be published once in each year in two newspapers published in said county, which newspapers shall fairly

Statement
of accounts
of county
treasurer.

represent each of the two principal political parties into which the electors of the county are divided, a statement of the accounts of the county treasurer of said county made as required by subdivision three of section one hundred and forty-one of the county law.

§ 2. The said board of supervisors shall cause to be published once in each year in four newspapers published in said county, two of which newspapers shall fairly represent each of the two principal political parties into which the electors of the county are divided, the statements of the canvass made by the county board of canvassers of said county of the votes cast at the annual election, as provided for and required by section one hundred and thirty-five of the election law, and also the notices of each general election required to be published in section five of the election law.

Statement
of canvass
made by
county
canvassers.

§ 3. The said board of supervisors shall cause to be published in each year in four newspapers published in said county, one-half of which newspapers shall fairly represent each of the two principal political parties into which the electors of the county are divided, the abstract of all county accounts which the clerk of the board of supervisors of said county is by section fifty-one in the county law required to make and certify.

Abstract of
county
accounts.

§ 4. The said board of supervisors shall cause to be published once in each year in four newspapers published in said county, one-half of which newspapers shall fairly represent each of the two principal political parties into which the electors of the county are divided, an abstract of town accounts of each town which is required to be delivered to the clerk of the board of supervisors of said county by section one hundred and seventy of the town law.

Abstract of
town
accounts.

§ 5. The said board of supervisors shall cause to be published once in each year in four newspapers published in said county, two of which newspapers shall fairly represent each of the two principal political parties into which the electors of the county are divided, the table of equalization of assessments adopted by said board at its annual meeting and a table of the compensation allowed to members of the board of supervisors.

Equaliza-
tion of as-
sessments.

§ 6. Chapter two hundred and six of the laws of nineteen hundred and four is hereby repealed.

Laws
repealed.

§ 7. This act shall take effect September first, nineteen hundred and five.

Chap. 139.

AN ACT to authorize and direct "The rector, wardens and vestry of Saint John's church," Canandaigua, New York, to set apart certain funds, as a permanent endowment fund, and to restrict the use and investment of the same.

Became a law, April 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Endowment
fund,
creation of.

Section 1. The corporation known as the rector, wardens and vestry of St. John's church, Canandaigua, New York, is hereby empowered to take and hold real and personal property, given, devised or bequeathed to it absolutely, or in trust, thereby establishing and maintaining an endowment fund, and all property so given, bequeathed or devised to it, unless otherwise specified in such gift, devise or bequest, together with the trust funds heretofore transferred to the endowment fund by resolution of said corporation duly adopted and entered in its minutes, and now so held by it, and also all such funds or sums as shall hereafter be so transferred, shall constitute a fund to be known as the permanent endowment fund, the income of which only shall be subject to expenditure for parish and church uses and purposes. No resolution of said corporation heretofore or hereafter duly adopted and entered in its minutes, transferring any gift, devise, bequest, fund, sum, or property whatsoever, to the endowment fund or to the permanent endowment fund above mentioned, shall be revocable or repealable by said corporation. And no part of said permanent endowment fund, either principal or income, shall be liable either at law or in equity to the claims of the present or future creditors of said corporation, or subject to any mortgage or lien heretofore or hereafter executed or created by it.

Control and
investment
of endow-
ment fund.

§ 2. The control of said permanent endowment fund shall be vested in the wardens and vestry of the said Saint John's church, and the laws of this state as the same now exist, or shall hereafter be enacted, relating to securities in which the deposits in savings banks may be invested, shall apply to and govern the said wardens and vestry in the investment of the said fund, except

that where investments are made in bonds and mortgages on unencumbered real property, the amount loaned shall not exceed sixty-five per centum on a conservative valuation of such property, and provided further, that temporary deposits of funds awaiting such investment may be made in a* duly organized savings banks or trust companies paying interest thereon.

§ 3. Any officer of said corporation, or any other person, who shall divert or apply any part or portion of the principal of said permanent endowment fund, or consent to the diversion or application of any part or portion of said fund to any other use or purpose than that provided for in the foregoing sections, or shall invest the said fund, or any portion thereof, otherwise than as hereinabove provided, shall be guilty of a misdemeanor. Misapplication of funds a misdemeanor.

§ 4. This act shall take effect immediately.

Chap. 140.

AN ACT to provide for a county detective for the county of Rensselaer, and for his compensation and expenses.

Became a law, April 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The district attorney of Rensselaer county shall appoint an officer to be known as the county detective, and said officer shall serve during the pleasure of the district attorney. Before entering upon the discharge of the duties of the office such county detective shall make and file the constitutional oath of office, and shall enter into an undertaking to the people of the county conditioned for the faithful discharge of his duties as such detective. He shall receive for compensation the sum of one thousand eight hundred dollars per annum payable monthly, and also his traveling and other necessary expenses, which shall be approved and audited by the district attorney, and such salary and traveling expenses shall be a county charge, and shall be paid monthly, in the same manner as salaries of other county officers are paid. Such officer shall have in the county of Rens- County detective, term of. Compensation.

*So in original.

selaier and in each county adjoining the county of Rensselaer all the powers of a constable.

§ 2. This act shall take effect immediately.

Chap. 141.

AN ACT to amend chapter five hundred and eleven of the laws of eighteen hundred and eighty-nine, entitled "An act to amend, revise, and consolidate the several acts relating to the village of Cooperstown in the county of Otsego."

Became a law, April 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections twenty-five and twenty-six of title four of chapter five hundred and eleven of the laws of eighteen hundred and eighty-nine, entitled "An act to amend, revise and consolidate the several acts relating to the village of Cooperstown, in the county of Otsego," as amended by chapter one hundred and thirteen of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 25. For the purpose of providing for the expense of this department the trustees are hereby authorized to levy an annual tax of one dollar for every one hundred dollars of assessed valuation as made by the village assessors, or so much thereof as may be necessary, said tax to be collected in the same manner as other village taxes are collected; also a poll tax of seventy-five cents for each male person between the ages of twenty-one and sixty years, except such as may belong to and are active or exempt members of a fire-engine hose, hook and ladder or other company formed and maintained for the purpose of extinguishing fires, residing on the corporation when the annual assessment is made. At the time of making the annual assessment-roll, the assessors shall make a separate list of persons liable to pay a poll-tax as herein defined. All provisions of this act with reference to the inspection and correction of the assessment-roll, and of appeals by aggrieved persons shall apply to and be observed in reference to said poll tax list, except that no separate notice need be given

Tax, levy
and collec-
tion of.

Poll tax.

Correction
of assess-
ment roll.

by the assessors of the completion of the list, but such notice may be given in the notice of the completion of the assessment-roll. Said poll tax shall be collected in the same manner as other village taxes. The poll tax list herein provided for shall be separate from the assessment-roll and constitute no part thereof, nor shall being upon such list or paying such poll tax constitute one a taxpayer for the purpose of entitling one to vote upon questions of taxation within the meaning of this act.

§ 26. The trustees of the village of Cooperstown may at any time cause sewers or drains to be laid down and constructed, connecting with the main sewers through any of the streets or parts of streets of said village. They shall make an accurate account of the expenses of laying down such sewer, and make a just and equitable apportionment and assessment thereof among the owners of all the real estate on the line of such street or streets intended to be benefited thereby, in proportion, as nearly as may be to the advantages which each shall be deemed to acquire by reason thereof; and such apportionment and assessment shall be binding upon such owners, and shall be a lien upon such lands, and shall be collected in the same manner as other village taxes and assessments are collected. But no such apportionment and assessment shall be made without at least six days' notice of the time and place of such apportionment and assessment to each of such landowners whose residence is known, which notice shall be served personally, by delivering a written copy thereof to each of such persons who can with reasonable diligence be found in said village, or otherwise by mail addressed to the last known postoffice address of such persons. After the assessment and apportionment hereinbefore provided for shall be completed, the same, or a copy thereof, shall be left with the village clerk, and may remain for a period of ten days. The said trustees shall, after they have delivered such apportionment and assessment to said village clerk as aforesaid, give public notice by posting the same in at least three public places in such village, stating that such assessment and apportionment have been made and completed, and the officer to whom the same shall have been delivered, and the place where the same will be open to public inspection for ten days thereafter. Any person affected by said apportionment and assessment, or liable to pay the same or any part thereof, may, before the said ten days' notice shall expire, appeal there-

Sewers and drains; assessments for expense of.

Completion and review of assessments.

Appeals.

from to the county court of the county of Otsego by the service of a notice in writing, signed by the appellant or his agent or attorney upon the president or clerk of the board of trustees of said village, specifying the grounds of such appeal and that the whole or some part of such assessment is appealed from. The county court shall within thirty days thereafter convene, and shall hear the proofs and allegations of the parties, and modify, alter or affirm such assessment as justice may require, and the determination of such court shall be final and conclusive. In case such assessment is affirmed, the court shall tax the disbursements against the appellant and may award in addition thereto against the appellant a sum not exceeding twenty-five dollars. The amount so allowed may be docketed in the clerk's office of Otsego county, and shall thereupon become a judgment of the county court.

Determina-
tion of
county
court final.

Courts on
judgment
affirming
assessments.

§ 2. This act shall take effect immediately.

Chap. 142.

AN ACT to revise the charter of the city of Corning.

Accepted by the city.

Became a law, April 6, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

Boundaries and civil divisions.

Section 1. This act is a public one and shall be known and cited as Corning charter.

§ 2. All that district of country in the county of Steuben, comprised within the following boundaries, to wit: Beginning on the south bank of the Chemung river on the west line of the Corning company lands; thence southerly along the west line of said Corning company lands to the southwest corner of block number one hundred and forty-six; thence easterly along the south lines of block one hundred and forty-six and through the center of Third street to the center of Fox street; thence southerly along

Boundaries
of city.

the center of Fox street to the center of Fifth street; thence easterly along the center of Fifth street to the center of Lexington street; thence southerly in the line of Lexington street to the south line of block one hundred and fifty-one, being also the south line of said Corning company lands; (the west line of said company's lands and the names of the aforesaid block and streets are the same as fully appear on Brewer and Canfield's map of Corning;) thence from said point on the south line of block one hundred and fifty-one at the point before mentioned easterly in a straight line to the southwest corner of the farm of Stephen T. Hayt, and extending thence along the southerly line of lands of said Hayt, and on the northerly line of the lands of Hope cemetery, and a continuation of said line extended to the middle of the Chemung river; thence northerly and westerly along center of the Chemung river, according to the bends thereof; to the east line of the Bradley farm, now owned and occupied by Luman S. Conover; thence northerly along the east line of said Bradley farm to the north line of the lands of the Delaware, Lackawanna and Western Railroad company as occupied by the railway tracks; thence westerly along the north line of the lands of said railway company to the west line of the lands of John B. McBurney; thence northerly on said McBurney's west line to a point far enough north so that a straight line drawn westerly will meet the east end of the highway running westerly and along the north line of lands of Blair, Robertson and others, to the west end of said highway; thence northwesterly to the highway leading to Hornby at its intersection with the highway leading to Painted Post; thence westerly along said last mentioned highway to the west line of the Dwight A. Fuller farm; thence southerly along the west line of the Fuller farm to the north line of the highway called Pulteney street and being the main highway between Knoxville and Painted Post; thence southerly across the Chemung river to the place of beginning; shall be a city known as the city of Corning.

§ 3. All the real estate or interest in real estate and the personal property now owned or possessed by or held in the name of the city of Corning are hereby vested in the city of Corning with power to hold and convey the same for and as the purposes of said corporation may require. The rights and proceedings and all ordinances, rules and regulations now existing and in

Property
vested in
city of
Corning.

force in the city of Corning shall be, remain and continue valid and effectual until repealed, modified or changed, subject, however, to the provisions of this act.

Wards, description of.

§ 4. The said city of Corning is hereby divided into seven wards, as follows: The first ward shall include all of said city lying east of Columbia street extended north to the Chemung river and extended south to said south line of the city of Corning, and lying south of the Chemung river; the second ward shall include all of said city lying south of the Chemung river and west of the east line of Columbia street, extended north and south aforesaid and east of Chemung street, extended south to the south line of the city limits, and from the north end thereof extended to the center of the Chemung river; the third ward shall include all of said city lying west of the east line of Chemung street, extended north and south as aforesaid, and east of the east line of Pine street, extended north to the center of the Chemung river and extended south to the said south line of the city of Corning, and lying south of the Chemung river; the fourth ward shall include all of said city lying west of the east line of Pine street, extended north and south as aforesaid and east of the east line of State street, and lying south of the Chemung river; the fifth ward shall include all of said city lying west of the east line of State street extended north and south as aforesaid and lying south of the center of the Chemung river; the sixth ward shall include all of said city lying north of the center of the Chemung river and east of the east line of Bridge street; the seventh ward shall include all of said city lying north of the center of the Chemung river and west of the east line of Bridge street.

Town of Corning, territory included in.

§ 5. The town of Corning shall hereafter consist of all that portion of said town not included within the boundaries of the city of Corning and the territory embraced within the boundaries of the city of Corning as hereinbefore described shall not constitute or be a part of the town of Corning.

TITLE II.

Officers, their election and qualification.

City officers, terms and election of.

Section 6. On the thirty-first day of December, nineteen hundred and five, the respective terms of office of the mayor, the recorder, the chamberlain, the ten aldermen, the three supervisors,

the two justices of the peace, the two constables, the overseer of the poor and the three assessors heretofore elected in and for the city of Corning, and the respective terms of office of the city clerk and city attorney heretofore duly appointed and now serving as such respectively, shall cease and terminate, and the respective offices of recorder and justices of the peace as now existing shall be abolished. The first election for city officers under this act shall be held at the general election in the fall of nineteen hundred and five. On and after January first, nineteen hundred and six, said city and its affairs shall be managed and conducted in the manner and form and by the officers whose election or appointment is provided for in this act.

Management of city affairs

§ 7. The elective officers of said city shall hereafter be a mayor, chamberlain, city judge, justice of the peace, three assessors, one sealer of weights and measures and four constables, all of whom shall be elected by the city at large; three supervisors, one of whom shall be elected from the first and second wards hereinbefore described and one of whom shall be elected from the third, fourth and fifth wards hereinbefore described, and the other of whom shall be elected from the sixth and seventh wards hereinbefore described; two aldermen to be elected in each ward.

Elective officers.

§ 8. The appointive city officers shall be a city clerk, city attorney, city physician, overseer of the poor, four police commissioners and three commissioners of public works. The mayor shall nominate and by and with the consent of the common council appoint the city attorney, city physician, city clerk and overseer of the poor. The mayor shall nominate and by and with the consent of the common council appoint four police commissioners in the manner provided in title six of this act. Within thirty days after the passage of this act, the mayor shall nominate and by and with the consent of the common council, appoint three commissioners of public works, one of whom shall be appointed for two years, one for four years and one for six years and until the first day of January next after the expiration of said respective terms. In each second year hereafter and at the first regular meeting of the common council for such year, or as soon thereafter as may be, the mayor shall nominate and by and with the consent of the common council shall appoint one commissioner of public works to serve for six years. Appointments to the office of commissioner of public works shall be non-partisan and the

Appointive officers.

two principal political parties represented in the common council shall each be represented in the board of public works.

Terms of
office.

§ 9. Except as otherwise provided by this act, the term of office of the mayor, aldermen, chamberlain, city attorney, city clerk, overseer of the poor, city physician, supervisors, constables and sealer of weights and measures shall be two years; of the assessors three years; of the justice of the peace and the city judge four years; of the commissioners of public works six years; of other appointive officers during the pleasure of the appointing power, unless the term of such officers is or shall be provided by law or by the provisions of this act. All officers shall hold office until their successors are elected, qualified and entered upon the discharge of their duties, except as otherwise provided by this act or by a general law.

Election
law to
govern city
elections.

§ 10. The provisions of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, known as the election law, and the acts amendatory thereof, shall apply to and govern all elections in said city.

Electors
and their
qualifica-
tions.

§ 11. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly, shall then and there be entitled to vote for all officers to be elected by the city at large, and for ward officers to be elected in his ward in said city. Every such inhabitant of either the first or second ward in said city shall also be entitled to vote in the ward in which he resides for supervisor of said wards, and every such inhabitant of either the third or fourth or fifth ward in said city shall also be entitled to vote in the ward in which he resides for a supervisor of said wards, and every such inhabitant of either the sixth or seventh ward in said city shall also be entitled to vote in that for a supervisor of said ward.

Elections,
time for
holding.

§ 12. An election of elective officers under this act shall be held at the general election in the fall of nineteen hundred and five and in each year thereafter in conjunction with the general election; and the election of all city and ward officers shall be governed by the general election law of the state.

Officers
elected
at first
election.

§ 13. At the first election for city officers held under this act in the fall of nineteen hundred and five, there shall be elected a mayor, a chamberlain, a city judge, a justice of the peace, three assessors, one sealer of weights and measures, four constables, two aldermen in each ward and a supervisor from each district.

Two of the constables so chosen to serve for one year and two for two years, and one alderman in each ward to serve for one year and one for two years, and one assessor so chosen to serve for one year, one for two years and one for three years from January first next succeeding their election; and at each annual election thereafter, two constables shall be elected to serve for two years and one alderman in each ward to serve for two years, and one assessor for three years.

§ 14. The common council, so far as relates to the election of city officers, shall be the board of canvassers of election returns, and the city clerk, if present, shall act as secretary of the board; and if he be not present, then some person shall be appointed by the board to act as secretary thereof. The board shall ascertain and certify the results of the election in the manner and by the procedure provided by the general election law governing county boards of canvassers. The common council shall convene as such board of canvassers on the Monday next succeeding the election in November, at eight o'clock in the afternoon, at its usual place of meeting, in each year, and the statements filed by the inspectors with the city clerk shall be produced by him. Said common council shall forthwith examine said statements, declare and make a certificate of the result of such election as shown by said statements and file the same immediately with the city clerk. The city clerk, within twenty-four hours after the certificate mentioned in this or in the last section shall have been filed with him, shall notify in writing, either personally or by mail, every person so certified to have been elected of his election. Every person so elected or appointed to office under this act shall, before performing any of his duties, take the oath of office prescribed by the constitution of this state and give the securities hereinafter specified. All such oaths, except those of the mayor and city judge, which shall be filed with the clerk of Steuben county, shall be filed with the city clerk. Except as it may be by law or this act otherwise provided, if any such person shall not, at or prior to the commencement of the term for which he shall have been elected or appointed, take and file such oath of office and give the security required of him by the provisions of this act or lawfully required of him by the common council, the common council may treat such omission as a refusal to serve and declare vacant the office to which he was elected or appointed,

Board of
city can-
vassers.

Meeting of
canvassers.

Declaration
of result.

Oath of
office,
taking and
filing of.

Refusal to
serve
creates
vacancy
in office.

in which case it shall forthwith fill the vacancy by appointment; and said person shall forfeit to the use of the city for such refusal the sum of twenty-five dollars, besides all damages and costs, which may be recovered by civil action in the corporate name of the city. Nothing in this section contained shall be construed to require the chamberlain to execute the bond mentioned in section twenty of this title, prior to the times therein specified. At its first regular meeting in January after each annual city election, the common council shall fill for a full term any office by appointment in case of a tie at such election. It shall, at the same or a subsequent meeting as soon thereafter as may be, appoint the appointive officers mentioned in section two of this title. The common council shall make and file with the clerk a certificate of every appointment to office and the clerk shall notify each person so certified to have been appointed of his appointment, in the manner and within the time specified in this section for notifying persons elected to office. All full terms of office filled by election or appointment shall commence on the first day of January next following the annual city election, except as otherwise provided by this act.

Certificates
of appoint-
ment.

Compensa-
tion of
mayor.

§ 15. The mayor shall receive for his services a salary of two hundred dollars per annum, payable monthly, and no other fee or reward; and each alderman shall receive for his services a salary of forty-eight dollars per annum, payable monthly, and no other fee or reward.

Salary of
assessors.

§ 16. No two of the assessors shall be residents of the same ward. The salary of the assessors shall be one hundred and fifty dollars per annum and no other fee or reward except as provided in title eight of this act.

Eligibility
of officers.

§ 17. No person shall be elected or appointed to any city office except city physician unless he be a resident elector of said city, nor to any ward office unless he be a resident elector of the ward for which he is elected or appointed, and when any city officer shall cease to be a resident elector of said city, or when any ward officer shall cease to be a resident of the ward for which he was elected or appointed, his office shall thereby become vacant.

Removals
from office.

§ 18. The mayor of said city is removable by the governor. The common council may remove any other city or ward officer for misconduct or neglect of duty by concurring vote of not less than two-thirds of all members of the common council in office;

but no executive officer shall be removed by it without reasonable notice in writing of the charges against him and an opportunity to be heard in his defense. All vacancies in elective offices shall be filled by appointment of the common council, but such vacancies shall be filled until the next annual election only, when the residue, if any, of such terms of office shall be filled by election. All vacancies in appointive offices shall be filled by the appointing power in the manner prescribed by the original appointment, but only for the unexpired term. Vacancies.

§ 19. The resignation of any city or ward officer shall be made in writing to the common council or appointing power and no such resignation shall take effect until said common council or appointing power shall have accepted the same. Resignations.

§ 20. The chamberlain shall, within fifteen days after being notified of his election, execute to the city of Corning and the boards of education of school districts nine and thirteen, jointly, a bond in the penal sum of seventy-five thousand dollars, or such further sum as the common council may direct, with a surety company as surety, to be approved by resolution of the common council and by said boards of education. Said bond shall be conditioned that the chamberlain shall honestly and faithfully discharge the duties of his office and account for and pay over all moneys which shall come into his hands as such chamberlain. No warrant for the collection or reception of any tax shall be delivered to said chamberlain until such bond shall have been executed, approved and filed as herein provided. Bond of chamberlain.

§ 21. Except as may be by law or by this act otherwise provided, all officers of said city, except aldermen, city physician and city attorneys, shall severally execute and file with the city clerk a bond to said city, in such form and penalty and with such sureties as the common council shall direct and approve, conditioned that they shall faithfully and honestly discharge the duties of their respective offices and account for and pay over all moneys which shall come into their hands as such officers, respectively. The common council shall have power to call before it any person offered as surety in any bond required by this act, or any other person, and examine him or them on oath as to the qualifications of such proposed surety; and said common council shall, upon complaint of any member thereof that any such bond has become impaired, or its security lessened, forthwith investi- Bonds of city officers.

gate the facts in relation thereto; and it may, in its discretion, require the officer whose bond is thus brought into question to execute and file another bond within such time as it may direct, but neither the penalty of such bond nor the value of its security shall be less than that of the original bond.

Members of common council shall hold no other office or be interested in contracts.

§ 22. No member of the common council shall hold any other city or ward office. No member of the common council or other city officer shall be in any manner, directly or indirectly, interested in any contract in which the city shall be interested as a party or otherwise; and all such contracts in which any such officer may be or become interested shall thereby and thereupon be and become void.

Neglect or refusal of city officers to deliver property and records to successors, penalty for.

§ 23. If any person whose term of office shall have expired or who shall have been removed from office, or shall have resigned his office, shall not, within ten days after notice by the common council so to do, deliver to his successor in office or to the person elected or appointed to perform corresponding duties under this act, all moneys, property, books, papers and effects in his possession or under his control belonging to the city or appertaining to the office so formerly held by him, he shall forfeit and pay to the use of said city the sum of one hundred dollars, besides all damages caused by such neglect or refusal and the costs of suit.

TITLE III.

The common council.

Common council, how constituted.

Section 24. The common council shall be composed of the mayor and aldermen. The mayor, when present, shall preside at all meetings of the common council and shall be counted as a member thereof to constitute a quorum, and in determining its numerical strength, but he shall have no vote except in the case of a tie.

Right to vote.

§ 25. Each alderman present at any meeting of the common council shall have a vote on every question brought before the common council for its consideration except as herein otherwise provided; and no alderman shall be excused from voting on any such question, except by the concurring vote of two-thirds of all the members present. No person whose election as alderman shall be contested, shall be entitled to vote on any question connected with such contest. The presiding officer shall, in case of a tie, have a casting vote.

§ 26. All meetings of the common council shall be public, except when, in the judgment of the majority of those members thereof actually present and voting, the same ought to be private. Minutes of all proceedings of the common council shall be taken and preserved by the clerk in a book to be provided for that purpose by the city, and such minutes shall be accessible at all times to any elector of said city.

§ 27. A quorum shall consist of a majority of the common council. No tax or assessment shall be ordered nor any appointment to or removal from office made, except by concurring vote of a majority of all members of the common council in office; and no tax levy, assessment, order, resolution or ordinance shall take effect until after the same shall have been approved in writing by the mayor, except as herein otherwise provided.

§ 28. The common council shall hold regular meetings at least once in each month; and the mayor, or, in his absence, any three aldermen, may call a meeting by notice thereof in writing, to be served personally or by mail on all other members thereof.

§ 29. The common council shall determine the rules of its proceedings; be sole judge of the election and qualification of its members; have power to compel the attendance of absent members; and prescribe the powers and duties of all officers appointed by it, subject to the provisions of this act.

§ 30. All accounts and claims against the city, arising either ex contractu or ex delicto, including all accounts and claims for services rendered or moneys expended by any officers, servants or employees of said city whose compensation is not otherwise provided by this act, which would be valid claims against a town if rendered or expended by servants, employees or officers thereof, shall be itemized, verified and presented to the common council and the same shall be referred by it to a standing committee, consisting of one alderman from each ward, to be called committee of audit. Said committee shall inquire into the justice of such accounts or claims, may send for and compel the attendance and production of persons, books and papers, and may examine the claimant and others on oath in relation thereto. Said committee shall report to the common council favorably or unfavorably, in whole or in part, all accounts and claims referred to it, and if unfavorably, give its reasons therefor; and the common council

shall then pass upon the same as a board of auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors. All claims against the city for damages for injuries to persons or to property claimed to have been caused or sustained by defects, want of repair or obstructions from snow or ice or other causes, in the highways, streets, sidewalks or crosswalks of the city, or because of negligence of the city as to the highways, streets, sidewalks or crosswalks of the city, shall be presented to the mayor or to the common council in writing within thirty days after said injury is received or has occurred. Such writing shall describe the time, place and nature and extent of the injury as far as then practicable, verified by the oath of the claimant, to the effect that the same is true. The omission to present said claim as aforesaid within thirty days shall be a bar to any claim or action therefor against the city, and no action on any such claim shall be maintained against said city unless such action shall have been commenced within one year after the cause of action accrued. No action shall be commenced against said city on any duly presented claim of any kind or nature until after the expiration of three months from the presentation thereof. At any time within the said three months, said claimant may be required to appear before the mayor of said city, and, on receiving a notice signed by the mayor requiring such appearance at a time specified therein, not less than three days distant, he shall so appear and submit to examination on oath concerning said claim; and where such appearance has been required, as herein specified, no action shall be commenced against said city until ten days shall have elapsed after examination shall have been had thereunder. No debt or liability *ex contractu* shall be or become a valid charge against said city or corporation unless the same shall have been created or contracted by authority of the common council or board of public works. The city shall not be liable for any injury caused by such highways, streets, alleys, sidewalks or crosswalks being out of repair, or dangerous from snow, ice, or unlawful obstructions, unless actual notice of the unsafe and dangerous condition thereof has been given to the mayor or the city clerk of said city a reasonable time before the happening of such injury. This section shall not apply to or in any way affect any cause of action now existing.

§ 31. The mayor, common council and the several committees thereof shall have power to issue subpoenas to compel the attendance of persons to appear and testify before it or them in respect to any matter pending before or referred to any of them. Such subpoenas may be served at any place within the county of Steuben in the same manner in which subpoenas issued by a justice of the peace are now served. Any person who shall refuse or neglect to attend or testify in obedience to any such subpoena, or to be sworn or affirmed, or to answer any proper or pertinent question, may be arrested by virtue of an order of attachment, which may be issued by the mayor upon his own knowledge of such neglect or refusal, and in the absence of a satisfactory excuse therefor, may be punished in the same manner and to the same extent as a witness refusing or neglecting to attend in obedience to a subpoena duly issued and served out of a justice's court. Any member of every committee of the common council shall have power to administer oaths or affirmations to all persons who appear or who are brought before such committee to testify in reference to any matter pending before such committee.

Attendance
of wit-
nesses.

§ 32. The common council shall exercise all the powers conferred by this act, and except as otherwise provided by law or by this act, shall have control and management of the property, real and personal, belonging to the corporation, and all finances thereof. In addition to such other powers as may be by law or this act conferred upon it, said common council shall have full powers:

Powers of
common
council.

1. To provide for the care, custody and preservation of the property, books, records and papers belonging to the city; to prevent and provide for the punishment of any injury or trespass upon the same; to make all necessary repairs and improvements thereon and to cause the same to be insured when deemed to be necessary or advisable.

Care of
property
and records

2. To protect the inhabitants of said city in their persons and property, suppress disorderly assemblages, preserve peace and good order, and promote the welfare and good government of the corporation.

Preserva-
tion of
order.

3. To prescribe and define such powers and duties of the officers of said city as are not inconsistent with or specified by this act, and which it shall deem the best interests of the city to require.

Duties of
officers, de-
fining of.

Vagrants
and dis-
orderly
houses, per-
sons, etc.

4. To restrain and provide for the punishment of vagrants, persons without visible means of support, keepers of houses of ill-fame, common prostitutes, lewd and disorderly persons, drunkenness or disorderly or immoral conduct in the streets or other public places.

Street as-
semblages,
dispersal of.

5. To prohibit the gathering or assembling of persons upon the streets of said city, or congregating upon the corners of the streets or sidewalks thereof, and to authorize and require the police officers of said city to disperse all such gatherings, assemblages or congregations. Upon refusal of persons so gathered, assembled or congregated, to disperse when commanded so to do by the mayor or a duly appointed police officer, he may make summary arrest, without process, of all persons so refusing, and take them forthwith before the city judge of said city to be by him tried as disorderly persons and punished as such, upon conviction; and all such offenders are hereby declared to be disorderly persons.

Fixing
salaries and
duties of
officers.

6. To fix and change the salaries of all officers of the city not fixed by this act, except as otherwise provided by law or by this act; but every such salary shall be fixed by resolution at least four months before the beginning of the term of office to which it belongs, and shall not be increased or diminished during the continuance of such term of office; to see that they perform faithfully and correctly their several duties, and that proper measures are taken to punish neglect of duty on the part of any of them.

Audit of
claims, etc.

7. To audit all accounts and claims against the corporation; to order the payment of such as shall be allowed and to make such rules and regulations in regard to the form and manner in which such accounts and claims shall be made and presented as it may deem necessary and proper; but, except as in this act otherwise provided, no such account or claim shall be audited or allowed unless verified by affidavit of the claimant to the effect that the same is just and true; that the services or moneys therein mentioned have been actually rendered or disbursed; that no payment has been made thereon; that no set-offs exist thereto except as are stated therein.

Special
meetings.

8. To call special meetings of the inhabitants of said city whenever, in the judgment of its members, public interest requires the same, and to carry into effect all lawful resolutions adopted at any of said meetings, or at the annual election.

9. To examine the accounts of the chamberlain from time to time, and prescribe the manner of paying out and accounting for moneys received by him belonging to the city, in all cases not provided for in this act. Accounts of chamberlain.

10. To exercise exclusively within the city the powers vested in justices of the peace of towns by the second section of the first article of the eighth title of the twentieth chapter of the first part of the revised statutes, and subsequent amendment thereto and thereof, and to prescribe the sum to be paid for the permission or license therein mentioned. License of exhibitions.

11. To establish and regulate a public pound, subject to the provisions of this act, and to restrain, regulate and prevent cattle, horses, sheep, swine, dogs, geese, and other animals and fowls running at large in said city, and to authorize the seizure, impounding and sale of the same for the penalty incurred by such running at large and the cost of keeping and proceedings; and to make regulations for taxing, muzzling and confining dogs, and for destroying such as may be found running at large contrary to any ordinance. Public pound.

12. To prevent runners, hackmen, stage drivers and others from soliciting persons to travel or ride in any stage, hack, omnibus or other conveyance, or upon any railroad, or to go to any hotel or otherwise, except under such regulations as it may prescribe. Hackmen and runners.

13. To license, regulate and control all cartmen, hackmen, cabmen and draymen and all stages, omnibuses and other conveyances for the transportation of passengers for hire within the city and to fix rates of fare or compensation. Public conveyances.

14. To purchase grounds for necessary public buildings or public parks, provided the necessary funds for such purposes shall have been voted at any annual or special meeting of taxpayers, as provided in this act or otherwise. Lands for buildings and parks.

15. To prohibit gambling of all kinds and to prohibit, regulate or license billiard rooms, bowling alleys, skating rinks and all other places of amusement or entertainment from which an admission fee or income or revenue, direct or indirect is received. Gambling and amusements.

16. To prevent the casting into or allowing to percolate or to flow into any waters within said city, any dead animal, fluid, offal, filth or any foul or offensive substance of* thing, or any earth, stones or rubbish of any kind; and to prevent all bathing Pollution of waters.

*So in original.

therein, except under such regulations as it may prescribe; and prescribe penalties for the violation thereof.

Racing. 17. To prevent racing and immoderate driving and to prevent or regulate coasting and regulate bicycle riding in the said city.

Cemeteries. 18. To regulate the burial of the dead and the management of all cemeteries within the city, subject to the existing provisions of law.

Exhibitions. 19. To regulate or prohibit the exhibition of any circus, caravan, theatre, opera, curiosities, tricks, or legerdemain, and other shows and entertainments in said city; and to license the same for such time, upon payment of such fees, and under such regulations as it may prescribe.

Auction stores and pawn-brokers. 20. To regulate, license or prohibit auction stores and sales in said city, and hawking, peddling and sale in the streets thereof, and to regulate and license pawnbrokers.

Maps and surveys. 21. To make or cause to be made maps of the city and of the several wards thereof, to survey, establish and change the boundaries of the streets, highways and public grounds of said city, and to designate and alter the names of streets, avenues and alleys, and the number of all lots and buildings.

Obstruction of streets. 22. To prevent any encroachment, encumbrance or obstruction in or upon any street, alley, sidewalk, crosswalk, highway or public ground in said city; to regulate or prevent the deposit of building materials in or upon such streets, alleys, sidewalks, crosswalks, highways or public grounds; in case of neglect or refusal of any person who shall have caused such encroachment, encumbrance, obstruction or deposit, contrary to any rule or ordinance, or of the owner or occupant of any premises upon which shall be a building, a fence or other structure or thing encroaching upon, encumbering or obstructing any such street, alley or sidewalk, crosswalk, highway or public ground, to remove the same after being notified so to do, shall have power to cause such removal at the expense of such person, or such owner or occupant, and to collect such expense as hereinafter provided.

Removal of snow and dirt. 23. To compel the owner or occupant of any premises in said city to remove all dirt, snow and ice from the sidewalks in front of or in the rear of said premises, and to provide a penalty for the neglect or refusal of the owner or occupant to remove the same, after being notified so to do.

24. To regulate, prevent and prohibit the deposit of dirt, ashes, ^{Ashes, garbage, cess-pools, etc} garbage or other filth, or of boxes, barrels, rubbish or other things in any street, alley, highway or public place in said city and to provide for the punishing of the person or persons doing said acts, or responsible for or directing such deposit, and to prevent or prohibit the discharge of the contents of any sink, cesspool or privy into any of the streets, alleys, highways or public places of said city, and to provide for the punishing of the person or persons doing said acts, or directing, permitting or responsible for such discharge, and to compel the owner or occupant of any premises to remove from said alleys, streets, highways or public places, in front or in rear of such premises, any such deposit, discharge, boxes, barrels, rubbish, or other things under such rules, regulations and notice as the board of public works may prescribe; and to provide a penalty for the failure of such owner or occupant to do so.

25. To require and compel any turnpike, plank road, street ^{Repair of streets by corporations.} railway, railroad or other corporation or company to keep such street, alley, or highway through which its road may pass in said city, and the gutters, drains and culverts of said road in good condition and repair; to lay or relay such road or any portion thereof in accordance with the established grade of such street, alley or highway, and to remove without unnecessary delay all incumbrances and obstructions which said corporation or company shall have placed or caused to be placed upon such street, alley or highway. If such company or corporation shall refuse or neglect to do any of the acts required of it by this subdivision after being notified to do the same, the board of public works shall have power to cause the same to be done at the expense of such corporation or company, and such expense, to be fixed and determined by said board, may be collected as hereinafter provided. Nothing in this subdivision or this act shall be construed to require any street railway to repair or keep in condition any street, alley, or highway through which its road may pass, except that part or portion thereof covered by its road, and a space of two feet in width outside of and adjoining its track on either side. If it become necessary to remove snow or ice from any such street, alley or highway, said street railway company is to remove the snow or ice thrown out by it from its tracks and said space,

and also the snow and ice which shall be upon the space upon which said snow and ice is thrown or placed, which snow and ice shall be removed at such times and in such manner as the board of public works shall prescribe.

Flagmen at railroad crossing. 26. To require every steam railroad company or corporation running its trains through any part of said city to keep a flagman, or gates, or both, at each railroad crossing or point of intersection of such railroad with any street, alley or highway.

Awnings, signs and structures over streets. 27. To prevent or regulate the construction or erection of any building, awning or other structure which shall project into or over any street, alley or sidewalk in said city, and the hanging or suspending of any goods, signs or other things in or over any such street or sidewalk, and the placing of boxes, barrels or other things in or upon any such street or sidewalk, and in case the owner or occupant of such premises shall neglect or refuse to remove the same after being notified so to do, to remove the same at the expense of the owner or occupant, and to collect such expense as hereinafter provided.

Lighting of streets. 28. To maintain gas, electric or other lights, lamp-posts and fixtures on the streets of said city, and to cause the same to be lighted at all proper hours throughout the year.

Explosives. 29. To prohibit, license or regulate the keeping, storing, use and sale of gunpowder, kerosene or other combustible or explosive substance or compound, and the conveyance and transportation of the same in and through any part of the city.

Nuisances. 30. To prevent and abate nuisances and determine what are such, either upon view or testimony of witnesses, who may be examined under oath before it, and for these purposes to enter into or upon any building or premises in said city; and in case the owner or occupant of any building or premises in or upon which said nuisance may be found shall neglect or refuse to abate or remove the same after notice so to do, to cause the same to be removed or abated by the board of public works, at the expense of the owner or occupant, and to collect such expense as hereinafter provided.

Abatement of nuisances. 31. To compel the owner or occupant of any grocery, market, cellar, soap factory, tannery, shop, privy, stable, barn, outhouse, pig sty, drain, sewer, cesspool or unwholesome, offensive or nauseous house, building, ditch, pond or place, to cleanse, purify, remove or abate the same from time to time, as often as in the

opinion of the common council it may be necessary for the comfort, health or convenience of the inhabitants of said city or any portion thereof.

32. To prohibit or regulate slaughter houses and the slaughtering of animals in said city and to regulate the time, place and manner of sale of fish, meats and vegetables. Slaughter houses.

33. To prohibit all persons from bringing and depositing any unwholesome, putrid or decayed carcass, skin, hides, fish, meat or other unhealthful substance or thing within the city, and to require or authorize the removal or destruction thereof. Removal of unhealthful substances.

34. To prosecute in the corporate name of the city upon any contract or liability in which said city may be interested, and for all fines, penalties, costs and expenses imposed by this act, or by any ordinance or by-laws of the city, and enforce the collection thereof. Fines and penalties, collection of.

35. To prohibit and make regulations for the punishment of every game, practice, amusement and act in the public streets and elsewhere in said city having a tendency to frighten teams or horses, to injure or annoy persons, or to endanger property. Regulation of games and amusements.

36. To regulate the speed of locomotives, tenders, railroad and other cars, and to prevent unnecessary obstructions of streets by the same in any part of said city, and to prevent obstruction of crosswalks by carts, wagons, sleighs, teams or otherwise. Speed of locomotives, cars, etc.

37. To regulate the stringing or setting of telephone or telegraph or other wires and poles in said city and to require that such wires be placed in underground conduits whenever it shall appear to them that public safety requires it. Telephone and telegraph poles and wires.

38. To regulate the planting of shade and ornamental trees along the streets and sidewalks of said city, and the trimming and removal of the same, and to prevent the injury or defacement of such trees, and of fences, posts, walls and buildings in said city. Planting and protection of trees.

39. To prohibit the erection, in an unsafe manner, of any wall or building in said city and to compel the owner of any wall or building therein which may be in an unsafe condition to render the same safe or to remove the same; and in case of neglect or refusal of such owner or occupant to render such wall or building safe or remove the same after being notified, the common council shall have the power to cause the same to be done at the expense of such owner or occupant, and to collect such expense as herein-after provided. Unsafe buildings, removal of.

Notices.

40. To prescribe the length of notice to be given under any of the foregoing subdivisions of this section, and to make the costs and expenses mentioned in subdivisions twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, thirty and thirty-nine of this section a lien upon the premises or lots therein mentioned or implied, by assessing the same thereon, and to issue warrants against the owners or occupants thereof respectively to collect such costs and expenses as assessments and taxes are collected.

Rooms for common council and city offices.

41. To provide a council room or rooms for the common council, a court room for the city judge, offices for the clerk and chamberlain, rooms for other officers and for the several fire companies of said city, and necessary fuel, lights, stationery and supplies for their offices.

Ringling bells.

42. To prevent and regulate the ringing of bells, blowing of whistles and horns, crying of wares, and the making of any noise which may tend to disturb the peace of the city.

Fireworks.

43. To prevent or regulate the sale and use of fire-crackers, rockets, squibs and other explosive compounds.

Firearms, etc.

44. To prevent and provide for punishing the discharge of firearms, rockets, fireworks and gunpowder in or near the streets of the city, or in the vicinity of any building.

Fire escapes.

45. To compel the owners or occupants of private dwellings to have scuttles in the roofs thereof, and stairs and ladders leading to them, and to compel the owners, occupants or trustees of all public buildings, such as churches, hotels, school-houses, factories and all places of amusement or entertainment, to provide the same with complete, sufficient, approved and effectual fire escapes and means of exit.

Correction of assessment rolls.

46. To examine and correct the city assessments rolls in the same manner as the board of supervisors may by law examine and correct the town assessment rolls of this county, and it shall possess all the powers in relation to such city, as to such assessment rolls and the levying of city taxes, that boards of supervisors have by statute with respect to town assessment rolls and the levying of state and county taxes.

Expense of elections; creation of election districts.

47. To provide for the defraying of the expenses of all elections in said city, and raise by tax the amount required to pay the same; to create new election districts when necessary and appoint the first inspectors therein in the manner required by law and the provisions of this act not in conflict with existing gen-

eral laws; and such districts and inspectors shall be governed by the provisions of this act and existing general laws applicable thereto.

48. To grant all licenses in said city and to prescribe the fees to be paid for the same. The common council may, by resolution, empower the mayor of said city to grant all or any licenses which said council are by this act authorized to grant. Licenses and fees.

49. To designate a newspaper or newspapers printed in said city in which shall be published all its ordinances, rules, regulations, resolutions, by-laws and official notices. Ordinances and official notices, publication of.

50. For any or either of the purposes aforesaid or of executing any power conferred upon the common council or upon the city or any board or department thereof, by this act or otherwise, the said common council shall have full power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations, by-laws and resolutions and fix the time for their taking effect, and to prescribe and enforce such penalties and fines as it may deem proper for their violation; but every such ordinance, rule, regulation, resolution and by-law, except such as relates to the health, safety or fire protection of the people of said city or of some portion thereof, shall, before taking effect, be published at least once in two newspapers before mentioned. Every ordinance, rule, regulation, resolution and by-law, together with his certificate of the time and manner of the publication thereof, shall be recorded by the clerk in a book or books to be provided by the city and kept for the purpose; and the said record or a copy thereof, certified under the corporate seal of said city by the clerk to be a true copy of such record, shall be presumptive evidence in all courts and places, and in all actions and proceedings, of the due passage of such ordinance, rule, regulation, by-law or resolution, and of its having been duly published as by this act required. General powers.

51. To license the keeping of dogs and fix the fees therefor, and to prescribe penalties for keeping or harboring dogs without a license, which may include the killing of dogs not licensed. Dogs, license for.

52. To regulate, define and prescribe the width and location of all new streets or alleys, and the manner of subdividing and platting the lands in said city; to regulate, restrain or prohibit the opening of new streets, or the use of new streets therein until a map of the land proposed to be allotted, showing the proposed streets, alleys and subdivisions thereof, is submitted to the com- Opening new streets.

mon council, and such map and allotment is approved and such streets and alleys accepted by the common council.

53. To establish and maintain city lock-ups, station houses or work houses, which may be used instead of the county jail for the confinement of offenders.

TITLE IV.

Powers and duties of officers.

Mayor,
powers and
duties of.

Communi-
cations to
council.

Vetoed.

Section 33. The mayor of the city of Corning shall be chief executor thereof. He shall take care that the laws of this state and the ordinances and by-laws passed by the common council be faithfully executed in said city; cause the arrest of all persons violating the same, and exercise constant supervision over the conduct of all subordinate municipal officers. It shall be his duty to communicate to the common council, within twenty days after entering upon the discharge of the duties of his office, a general statement of the affairs of the city, in relation to its finances, government and improvements, with such recommendation as he may deem proper, and to recommend to the common council, from time to time, such measures as he may deem necessary or expedient for it to adopt in order to expedite or carry into effect any order, resolution, ordinance or act which it shall have passed. Every such order, resolution, ordinance and act of which the mayor approves shall have his approval endorsed in writing on a transcript thereof, signed by him officially. The transcript of every such order, resolution, ordinance and act of which he disapproves shall be returned by him to the common council or clerk, with his objections in writing thereon or attached thereto, which shall be filed with the clerk, and the common council shall, at its next regular meeting after such return, proceed to reconsider such order, resolution, ordinance or act, and if the same be passed by a concurring vote of two-thirds of all the members of the common council then in office, it shall have full force and effect. If any order, resolution, ordinance or act, a transcript of which shall be presented to the mayor, shall relate to separate and distinct matters, or to one or more items of appropriation or payment of money, the mayor may approve such order, resolution, ordinance or act, and sign the transcript thereof, as to one or more of said matters or items, specifying which, and disapprove as to the others. In such cases, he shall annex to the transcript a state-

ment of the matters or items of which he does not approve, with his objections thereto, and such matters or items shall not take effect unless reconsidered and passed by the common council in the same manner as in the case of the mayor refusing to approve an entire order, resolution, ordinance or act. If any such trans-
cript shall not be returned by the mayor to the common council or clerk within five days after it shall have been presented to him, Sunday excepted, such order, resolution, ordinance or act shall be of like force and effect as if duly approved by him, unless within such time his term of office shall have expired, in which case the same shall have no force. The mayor shall have power to summarily revoke, for violation thereof, any license granted by the common council until its next regular meeting, when the common council shall investigate the matter and dispose of the same as they may deem fit. He shall have the power to hear and entertain any complaint against any appointed officer for misconduct or neglect of duty, and to suspend him until the next regular meeting of the common council, when such complaint shall be investigated by it and the officer reinstated, removed or suspended for such additional time as it may deem just or proper. He shall sign all appointments to office made by the common council, and all warrants ordered by it for the payment of money by the chamberlain; and, when authorized by the common council so to do, he shall execute, in behalf of the city, all deeds, contracts and other papers to be executed as the act of the city. He is also empowered to enter or cause to be entered any house or building in which he suspects gambling or other illegal practice to be carried on, or to be occupied by persons of ill-fame, or to which persons of dissolute, idle or disorderly character resort, and arrest and hold or cause to be arrested and held all such persons found therein until they can be dealt with before some proper magistrate according to law. He shall have power within said city to administer oaths and take affidavits, and, on filing with the clerk of Steuben county a certificate under the seal of the city, signed by the clerk, of his election and of the filing of his oath of office, to take the proof and acknowledgment of deeds and other instruments therein, and may receive therefor the fees that are allowed by law to justices of the peace for like services, except from persons acting for or in the business of the city. In case he shall be unable to perform the duties of his office in consequence of sick-

When ordinances take effect without approval of mayor.

Revocation of licenses.

Complaints for misconduct and neglect of duty, hearings on.

Appointments, signing.

Arrest of gamblers and disorderly persons.

Acknowledgments and affidavits.

Selection of temporary mayor.

ness, absence from the city or other cause, or if there shall be a vacancy in his office, the common council shall select another of its number to preside at its meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of the mayor until the mayor shall resume his office, or until the vacancy shall be supplied according to the provisions of this act, except that he shall not have power to take proof or acknowledgment of deeds or other instruments. The mayor shall possess all the powers and authority conferred upon mayors of cities by any general statute of this state; he shall have power to arrest without process any person who shall, within his view in said city, be guilty of an offense triable by courts of special sessions or of a violation of any city ordinance; he may also, upon complaint being made to him under oath, issue a warrant directed to the chief of police or any police officer of the city of Corning, requiring such officer forthwith to arrest the person charged in said complaint with any such offense or violation, whether committed within the mayor's view or otherwise, and to bring such person for examination or trial before him or before the city judge of said city. Such warrant may be executed by the officer to whom it is directed at any place within this state. If such process be made returnable before the city judge, he shall, upon the same being returned to him and the person arrested by virtue thereof being brought before him, take and acquire jurisdiction of the subject-matter thereof and of the person of the defendant, and proceed with the case in the same manner and to the same extent in all respects as if such process had been originally issued by him. When any person shall be arrested for any such offense or violation by the mayor or by virtue of process issued by and originally returnable before himself, he may, by order in writing, certify the case to the city judge, who shall thereupon take and acquire jurisdiction of and proceed with it in the same manner and to the same extent as if such person had been arrested by virtue of process originally issued by him; or he may proceed to hold a mayor's court of special sessions, and try such person and all provisions of law applicable to the courts of special sessions shall apply to such court. All process for summoning jurors or witnesses issued by such mayor's court may be executed by the chief of police or by any police officer of said city.

General
powers of
mayor.

Arrest.

Execution
of warrant.

Cases may
be certified
to recorder.

§ 34. It shall be the duty of every alderman to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor; to cause the arrest of all persons violating the laws of this state, or the ordinances, by-laws or police regulations of the city; to report to the mayor or common council all subordinate officers who are guilty of official misconduct or neglect of duty; to perform or assist in performing all such duties as are enjoined upon the aldermen of said city separately, or upon the common council thereof. The alderman of each ward shall be fence viewers, and shall possess the powers and authority and receive the fees conferred upon or allowed by law to town fence viewers.

Aldermen,
duties of.

§ 35. The supervisors shall have the same powers and discharge the same duties as supervisors of towns, except as otherwise provided by this act, and shall be members of the board of supervisors of Steuben county. They shall receive the compensation allowed by law to the supervisors of towns. The first and second wards of said city shall be regarded as a town of Steuben county, for the purposes specified in title three, chapter ten, article second of the code of civil procedure, respecting the selecting, drawing and procuring the attendance of trial jurors; and the third, fourth and fifth wards of said city shall be regarded as a town of said county for the same purpose; and the sixth and seventh wards of said city shall be regarded as a town of said county for the same purpose. The assessors and clerk of said city and the supervisors elected from the first and second wards shall perform in said wards the duties of the supervisor, town clerk and assessors of a town as prescribed by said article; and the assessors and clerk of the said city and the supervisor elected from the third, fourth and fifth wards of said city shall perform like duties in the said last mentioned wards; and the assessors and clerk of said city and the supervisor elected from the sixth and seventh wards of said city shall perform like duties in said last mentioned wards, and a duplicate list of jurors selected by them shall be filed in the office of the clerk of said county.

Supervisors,
powers,
duties and
compensation of.

§ 36. The assessors shall perform all the duties required of them by this act in relation to the assessment of property in said city, as well for the purpose of levying taxes imposed by the board

Assessors,
powers and
duties of.

of supervisors of Steuben county as those imposed by the common council of the city of Corning, and to that end they shall possess all the powers and authority of town assessors.

City
attorney.

§ 37. The city attorney shall be the official legal adviser of the mayor, the common council and the boards and other officers of the city. It shall also be the duty of the city attorney to prosecute and defend all actions and proceedings by and against the city, to perform such other professional services relating to the city as the mayor or common council may direct, and such other duties as provided by this act. He shall be of the degree of counselor at law. He shall receive for his services, except in actions and special proceedings in courts of record, a salary of five hundred dollars per annum, payable monthly, and for services in courts of record such further compensation as may be just, and no other fee or reward except necessary expenses and disbursements incurred by him in behalf of the city under directions of the common council. All costs in litigated cases wherein the city is successful shall belong to the city.

City clerk,
duties of.

§ 38. The city clerk shall have custody of the seal, records, books and papers of the city, except as otherwise provided by this act; he shall attend all its meetings and act as the clerk of the common council and he shall record all by-laws, ordinances, rules, regulations, resolutions and proceedings of the common council, and the proceedings at elections and meetings of the inhabitants of said city. He shall, under the direction of the common council, correct all clerical errors in the assessment rolls of said city relating to the description or valuation of property. The books and papers in his office shall be produced on reasonable demand for the inspection of any elector of said city, and, upon like demand and tender of fees at the rate of ten cents per folio therefor, he shall furnish a copy of any paper or record filed or kept with him as such clerk. His office is hereby declared a town clerk's office, for the purpose of depositing, filing and entering of record therein all books and papers required by law to be deposited, filed or entered of record in a town clerk's office, and he shall, in and for said city, possess the powers, discharge the duties and receive the fees of a town clerk. He shall keep an accurate account of all moneys received by him belonging to the city and shall forthwith after the receipt by him of any such moneys, pay the same to the chamberlain, take receipt therefor and

Office
declared
a town
clerk's
office.

Account
of
moneys.

file the same in his office, and have all receipts ready at all times for examination by the common council or any member thereof, and furnish to the common council each month a statement thereof. He shall countersign all licenses granted by the common council and all warrants drawn upon the chamberlain for payments of moneys belonging to the city, and shall keep accurate memoranda of all licenses and warrants in separate books to be provided by the city for that purpose, specifying in the book of warrants the number of each warrant, the purpose for which, the number of voucher and date of resolution upon which it was issued, and in the book of licenses the date of each license, to whom granted, for what time and purpose, and the amount paid therefor. He shall also keep such other books as may be required by this act or by the common council. He shall, if required so to do by the common council, report in writing to each regular meeting thereof the amount of all orders drawn on the several funds in the hands of the chamberlain since the last regular meeting of the common council; and the unexpended balance of each of said funds. He shall perform such other services as directed by the mayor or common council relating to the affairs of the city and the duties of the mayor. He shall record all ordinances in a separate book, to be provided by the city, and kept for that purpose, and the same shall be properly indexed and always accessible to the public in his office. He shall keep in his office a book in which he shall keep copies of all franchises heretofore or hereafter granted by said city and all contracts entered into on behalf of the city by authority of the common council or board of public works, which book shall be called the franchise and contract book of said city. He shall keep in his office a book called a lien docket, in which he shall enter from time to time the names of all persons upon whose real estate there shall be any lien of unpaid taxes or assessments, and a brief description of the property affected thereby, together with the nature and amount of such lien, and the date when the same became a lien. He shall receive for his services a salary of three hundred dollars per annum, payable monthly, and no other fee or reward, except he shall receive for his own use a fee of twelve cents each for filing chattel mortgages and the same fee for a renewal or renewals thereof,

Licenses
and war-
rants.

Report.

Other
duties and
services.Record of
ordinancesRecord of
franchises.Lien
docket.Compen-
sation.

and also a fee of twelve cents for recording each and every license granted by the city.

Chamberlain, duties of.

§ 39. The chamberlain shall receive, keep safely and disburse all moneys belonging to the city. He shall also be the custodian of all securities, obligations and other evidences of debt belonging to the city. Suitable books shall be provided by the city for his use, in which he shall enter daily all his receipts and payments, in such manner as to exhibit the several amounts paid by him or to him under each class of purposes for which money shall be raised by tax in said city, with the name of each person by, to or from whom and on what account the same shall have been paid. He shall, from time to time and at such times and manner as the common council shall direct, deposit said moneys in such bank or banks as shall be approved by the common council of the city of Corning. The common council shall, by resolution to be recorded in its minutes, authorize the payment of all moneys to be paid out of the treasury, belonging to the city, and no such moneys shall be paid out of the treasury except in pursuance of a resolution of the common council authorizing the same, and upon a warrant signed by the mayor and countersigned by the clerk, which warrant shall be numbered and shall specify for what purpose the amount stated therein is to be paid, and to what fund it is chargeable. He shall possess all the powers and perform all the duties heretofore possessed and performed in the village of Corning by the collector of the town of Corning and by the collector of the village of Corning and by the collectors of the school districts numbers nine and thirteen, except as herein otherwise provided. It shall be his duty personally to collect and receive, at his office, all taxes and assessments laid upon said city, and upon said school districts, and to retain there and not elsewhere possession of all warrants and assessment rolls which from time to time shall be delivered to him for collection. He shall, within ten days prior to the annual election in each year, and at such other times as the common council may require, present to it and file with the clerk a detailed written statement of all of his receipts and payments of money belonging to the city since the date of his last annual report, and of the financial condition of the treasury, which statement shall contain the number of each warrant upon which the name of each person to or for whom a payment shall be made by him, and the

Books.

Payment of moneys from treasury.

Powers of.

Collection of taxes.

Report.

purpose of each payment. The common council shall cause every such annual report to be published in the official newspaper or newspapers. He shall settle annually with the treasurer of Steuben county for all state and county taxes received by him, in the manner and within the time required by law of town collectors. He shall have his office in such convenient place in said city as the common council shall designate. He shall keep his office open and attend at the same on such days and during such hours as the common council may from time to time direct. It shall be the duty of the common council, not more than ten days before the annual election in each year, to audit the chamberlain's accounts, and to settle with him for all moneys received by him during the preceding year belonging to the city. All fee and interest money received by the chamberlain of the city of Corning, on account of collections made by virtue of any tax warrant or otherwise, shall be paid out by him as directed by the common council by the provisions of this act, and he shall receive an annual salary of eight hundred fifty dollars in full for his services as city chamberlain under this act, to be paid him in quarterly installments.

Settlement
with
county
treasurer.

Auditing
chamber-
lain's ac-
counts.

§ 40. The powers, duties, compensation, liabilities and fees of the policemen provided for by this act shall be the same as those of constables of towns, and all provisions of law applicable to town constables and their sureties shall apply to said city policeman* and their sureties, except so far as may be inconsistent with this act.

Police,
powers,
duties and
compensa-
tion of.

§ 41. The overseer of the poor shall have and exercise within said city the same powers and discharge the same duties as overseers of the poor of the towns of Steuben county. He shall receive a salary of four hundred and eighty dollars per annum, payable monthly, and no other fee or reward. He shall have power to administer an oath to and examine under oath any person applying to him for relief, and false swearing upon or at such examination shall be deemed willful perjury.

Overseer of
the poor,
duties of.

§ 42. The sealer of weights and measures shall possess like powers and perform like duties as the sealer of weights and measures in the several towns of this state and charge and receive like fees therefor, and on application for that purpose, the county sealer of weights and measures shall furnish to him true

Sealer of
weights and
measures,
duties of.

* So in original.

copies of the standards in his office at the expense of the city. In addition to such powers and duties, the sealer of weights and measures shall once in each calendar year examine and test all weights and measures used by persons engaged in public trade in said city, and conspicuously mark and seal each weight, measure and apparatus that is found to be correct; and shall be entitled to charge and collect for such service from the person owning or using such weight, measures or apparatus, the fees prescribed by law to a town sealer of weights and measures. He shall likewise, whenever requested by any inhabitant of said city, and on receiving from such inhabitant his fees as prescribed by law therefor, test any weight, measure or apparatus used in public trade in said city and seal or reject such weight, measure or apparatus as they shall be found accurate or inaccurate. No person engaged in public trade in the city of Corning shall use, or permit to be used, or employ any weight, measure or apparatus to determine quantity, unless the same shall within one year previously have been tested and sealed by the city sealer of weights and measures, as herein provided. The common council of said city shall have power to make all necessary rules and ordinances to carry this section into effect and to prescribe, and provide for the collection of penalties for its violation.

Duties of
policemen.

§ 43. It shall be the duty of the policemen to preserve peace and good order, and enforce the ordinances, rules, regulations and by-laws of said city, and to perform such other duties as the police commission may prescribe. They shall also have the same power and perform the same duties in criminal cases and proceedings as constables in towns. They shall severally receive such compensation for their services as the police commission may determine, and all fees and other moneys received by them in their official capacity shall be forthwith paid to the chamberlain of said city. They shall have power to arrest without process any person who shall in their view commit or be guilty of any crime or misdemeanor, or a violation of any city ordinance.

Special
policemen.

§ 44. The special policemen shall perform such duties and receive such compensation as the police commission may fix.

City
physician.

§ 45. It shall be the duty of the city physician to give such surgical and medical attendance and medicine to the poor of the city as may be required of such officer by the overseer of the poor

or the mayor. Such officer shall receive a salary of four hundred dollars per annum, payable monthly, and no other fee or reward.

§ 46. No officer of said city shall retain for his own use any money or fees received by him as such officer, and except as otherwise provided for herein when he shall have received any money or fees as such officer, he shall pay the same over to the city chamberlain, as the common council of said city shall direct. No officer elected or appointed shall receive any perquisite, emolument, fee or compensation, except salary or pay from the city or a department thereof, for any act done or service rendered by him in his official capacity, except as herein provided; nor shall he accept or receive any sum of money or other valuable thing, fee or commission upon or derive any advantage from the sale or hiring of any property to or by the city or any department thereof; nor shall any officer of said city, elected or appointed, be interested directly or indirectly, as an attorney or counsel, in the collection of any claim of any nature whatsoever against said city; nor shall he be interested, directly or indirectly, as attorney or counsel, in the prosecution of any claim against said city, or in the prosecution or trial of any action against said city, excepting, however, all cases where he is the original owner of the claim. The violation of any provision of this section shall be a misdemeanor.

City officers
to pay fees
to cham-
berlain.

TITLE V.

Taxes and assessments.

Section 47. Not less than ten days before the annual city election in each year, the chamberlain shall submit to the common council a statement of the principal and interest of the bonded municipal debt falling due within the ensuing year; the city attorney shall submit a statement of all judgments which have been recovered against the city and remain unpaid; the police department and the fire department shall submit an estimate of the amount required to run their respective departments for the ensuing year; the overseer of the poor shall submit an estimate of the amount required for public charity and the mayor shall submit an estimate of the amount required for the contingent and miscellaneous fund of the city and for lighting purposes, and also a statement of the amount necessary to be raised for officers' salaries. The mayor shall also submit an estimate

Estimates
and reports
of city
officers.

of the amount applicable to general purposes which will be received by the city during the ensuing year from the city judge, mayor and chamberlain from excise licenses and from all other sources except taxes. The board of public works shall, in like manner submit an estimate of the amounts which will be required for its purposes during the ensuing year, in accordance with and as provided in section one hundred and thirty-one of this act. The common council shall have power to reduce but not to increase any estimate made as aforesaid, except the mayor's estimate of the sum to be received by the city from all sources. And the common council shall determine the amount, if any, to be raised by tax as aforesaid for the library fund and for the Corning hospital fund. The original estimates or statements together with any revision thereof by the common council, and a statement of the amounts to be raised for the public library and the Corning hospital shall be published in the official city newspaper or newspapers at least once before the annual election. The common council shall thereupon cause to be included in the next annual tax levy the amounts estimated to be required for the respective departments and funds after deducting from the estimates of the board of public works the amount which will be received by the city from all sources, in accordance with the mayor's estimate, and after deducting from the estimate of each department or fund the amount of any unexpended balance remaining to the credit of such department or fund in the city treasury. All moneys received from excise licenses not otherwise specifically appropriated by law and all other revenues of the city applicable to general purposes received from the city judge, mayor or chamberlain or from other sources except taxes, shall be paid to the city chamberlain to the credit of the board of public works.

Reducing
estimates.

Estimates
to be in-
cluded in
tax levy.

Taxes for
purposes
specified in
charter.

§ 48. The common council of the city of Corning is hereby authorized and empowered to raise by tax in each year such sum as may be necessary for the purposes specified in this charter not to exceed the sum of forty thousand dollars. The common council shall also have the power to raise by tax as aforesaid the amount of all judgments recovered against the city and remaining unpaid, and the principal and interest of the bonded municipal debt falling due within the ensuing year.

Taxes voted
by tax-
payers.

§ 49. The common council shall also have power to raise by tax in each year such further sum not exceeding fifteen thousand

dollars, as shall have been voted by a majority of the taxpayers of said city entitled to vote and voting on, a proposition to raise the same at an annual or special meeting called for that purpose, to be used for the purposes specified in this charter, the whole amount so raised as provided in this and the last section not to exceed the total amount of the estimates made as provided herein. Every resident of said city of the age of twenty-one years and upwards, whose name shall be upon the assessment-roll as made by the assessors of said city next preceding said election as owner, executor, administrator, guardian or agent, and upon whose property or upon whom, as the owner or possessor of property a tax shall have been assessed or imposed in and by said roll, and no other person shall be entitled to vote at such meeting. The clerk shall give at least ten days' notice of any such election or meeting by publishing such notice in two newspapers of said city, and by posting such notice in at least one public place in each ward or election district, which notice shall state distinctly the object or objects of such election or meeting. All provisions of this act in any way applicable to the annual election in said city, or to the ascertainment of the results thereof, shall be applicable, so far as may be, to said tax elections or meetings or to the ascertainment of the results thereof. The clerk shall furnish to the inspectors in each ward or election district, for use at such tax election or meeting, a certified copy of the names of all taxpayers appearing upon said last assessment-roll. In the event the proposition to raise such additional sum at any such election shall be defeated, the common council shall revise and reduce the estimate, and may reduce the amount apportioned to any specific purpose as herein provided, in its discretion, so that the total amount of such estimates so revised shall not exceed the sum permitted to be raised.

Qualifications of voters.

Notice of tax election.

§ 50. The common council is hereby prohibited from incurring any liability of said city beyond the amount authorized to be raised by the preceding sections of this title, except as may be in this act otherwise provided, and the common council shall not permit the transfer or loan of any moneys of one department or fund for the use of any other department or fund; and every member of said common council consenting to the incurring of such unauthorized liability, transfer or loan shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a

Liabilities incurred by common council.

fine not exceeding one thousand dollars or by imprisonment in the common jail of the county not exceeding three months, or both such fine and imprisonment, and shall be personally, individually liable for all loss, injury or damage caused or sustained by any such unauthorized act or acts, and said city of Corning shall not become or be liable for or by reason of such unauthorized act or acts, but shall be free from all liability arising therefrom.

Assessment
rolls, preparation and
completion of.

§ 51. The assessors of said city shall ascertain, in the manner provided by law, for the performance of like duties by town assessors, the names of all taxable inhabitants of said city, and also all taxable real and personal property therein. The common council shall cause to be prepared duplicate assessment rolls, in separate columns of each of which the assessors shall set down, according to the best information they can obtain, all such names, the quantity of land to be taxed to each person, the full value of such land, and the full value of all taxable personal property owned by such person, less the just debts owing by him. Said assessors shall also designate on such assessment rolls as farm lands and assess as such all lands occupied as such, and all agricultural lands, so-called, and assess them as such, situated in whole or in part within the city and keep the same in a separate column of each of said assessment rolls. Such assessment rolls shall be completed on or before the first day of June of each year, and but one assessment need be made in each year. Except as modified by this act, the laws of this state shall govern the making of all such assessments and assessment rolls.

Review and
correction
of assessment
rolls.

§ 52. Upon completing the assessment rolls, the assessor shall deliver the same to the city clerk, and shall forthwith thereafter cause notice of review and correction of assessments to be published in two newspapers of said city for such time as the common council may direct, designating in such notice the city clerk's office as the place of revising said assessments. They shall attend at the place specified in such notice, on such days as the common council shall designate, to be stated in said notice and hear and determine all applications of persons aggrieved by such assessment, in the manner in which like duties are required by law to be performed by town assessors, and correct the assessment rolls, if necessary, in accordance with such determination. Immediately after the final completion and correction of such rolls, the assessors shall verify the same according to law,

both of which shall be deemed original, and the clerk shall forthwith thereafter make a true copy of each of such rolls and file the same in his office.

§ 53. The boards of education of said school districts, respectively, shall levy all school taxes in the said districts in the manner provided by law. The valuation of taxable property in said school districts shall be ascertained, so far as possible, from the last assessment rolls of the city, and town of Corning after revision by the assessors. The chamberlain of said city of Corning shall collect and receive all such taxes in the manner as nearly as may be, and with the fees provided in this title for the collection of city taxes, and the same shall be paid by him to the treasurers of said boards of education every five days. Said chamberlain shall annually settle with and account to said boards of education for all such moneys received by him during the preceding year, in the manner as nearly as may be, provided in this act for his annual settlement, with an accounting to the common council for moneys belonging to the city.

School taxes, how levied.

§ 54. As soon as practicable, after any city tax shall have been ordered by the common council to be raised, the clerk, by direction and under supervision of the common council, shall estimate and set down in separate columns of one of the original assessment rolls, opposite to the several sums set down as the valuation of real and personal estates, the respective sums in dollars and cents, rejecting the fraction of a cent, to be paid as a tax thereon in the manner, as nearly as may be, provided by law for the performance of like duties by boards of supervisors. The clerk shall also, in a like manner, extend such taxes in one of the copies of the assessment rolls remaining in his office. He shall deliver to the chamberlain the original roll containing such taxes, to which shall be annexed a warrant, under the seal of the city and signed by the mayor and clerk, commanding such chamberlain to receive and collect, from the several persons named in the assessment roll, the sums expressed in the several columns of such roll opposite their respective names; and in case any person named in the assessment roll shall refuse or neglect to pay his tax for sixty days after delivery to the chamberlain of such roll and warrant, to levy and collect the same by distress and sale of the goods and chattels belonging to or in the possession of such person. Such warrant shall be made returnable within such time as the com-

Warrant for collection of city taxes.

mon council may prescribe therein, not exceeding sixty days from its date; and the common council may by resolution from time to time, and by endorsement of such warrant signed by the mayor and clerk, extend the time for collections and receiving such taxes and for making return thereof, but no such extension shall exceed thirty days, and the aggregate of such extensions shall not extend beyond ninety days from the time of the expiration of the warrant in the first instance. To the copy of such roll remaining in the clerk's office shall be attached a copy of such warrant and a receipt by the chamberlain acknowledging the delivery to him of the original roll and warrants.

Notice for
payment
and col-
lection of
taxes.

§ 55. Upon receiving such tax roll and warrant, the chamberlain shall forthwith give notice in two newspapers published in the city of Corning that the same has been delivered to him for collection, stating the character of the tax or taxes therein contained, and that for thirty days from the date of such notice every person may pay his tax to said chamberlain with one-half per centum fees thereon, and that for thirty days succeeding, one per centum fees will be collected, which rate of fees shall apply to all school taxes, state and county taxes, and all other taxes collected by said city chamberlain. Such notice shall designate the chamberlain's office as the place where such taxes will be received at which place the chamberlain shall attend, as in this act provided. If any such tax shall remain unpaid at the expiration of thirty days last mentioned, the chamberlain shall, forthwith, give a written or printed notice to the person against whom said tax remains charged, which shall require the said person to pay the same to the chamberlain at his office within ten days from the date of said notice, with five per centum fees thereon. Said notice shall be served personally on such person, at least three days before the expiration of the time mentioned in said notice for payment, or by leaving the same at his place of residence with some person of suitable age and discretion, or at the postoffice in said city, properly enclosed in postpaid wrapper directed to him, at least five days before the expiration of said time. For such persons not residents within said city, the deposit of such notice in the postoffice of said city, properly enclosed, postpaid and directed to them, at their respective reputed places of residence at least eight days before the expiration of such time, shall be sufficient service. Said notices shall be served

by the chamberlain or some person designated by him, and the affidavit of the person making such service of the service of any such notice in the manner herein provided, shall be sufficient evidence of such service in all courts and places, and such service of such notice shall be a full compliance with the statute which requires a collector to call at least once on the person taxed, or at the place of his usual residence, and demand payment of the taxes charged to him on his property.

§ 56. If any such tax shall remain unpaid at the expiration of the time mentioned in the last section, it shall be the duty of the chamberlain forthwith to issue his warrant, under his hand and the seal of the city, directed to any policeman of said city, commanding him to levy and collect such taxes and fees by the distress and sale of the goods and chattels belonging to or in possession of the person whose tax remains unpaid, whenever the same may be found in said city or in the county of Steuben, and to pay the same and to return such warrant to said chamberlain within twenty days after the date thereof; and no claim of property which may be made to such goods or chattels shall avail to prevent a sale thereof, except in such cases as are provided for by the general statutes of this state. Said policeman shall give notice of the time and place of sale and of the property to be sold at least five days previous to the sale, by advertisement to be posted in three or more public places in the city. The sale shall be made at public auction. Said policeman shall, immediately upon the collection thereof, pay to the chamberlain such taxes and fees; and if the property be sold for more than the amount of the tax, fees and cost of such distress and sale, which cost shall be the same as those allowed by law to constables on executions, the surplus shall be returned to the person entitled thereto.

§ 57. If any such taxes shall remain unpaid after diligent effort made to collect the same by virtue of such warrant, and the officer to whom the warrant is delivered shall not be able to collect same, the chamberlain shall prepare separate accounts of such city and school taxes in the manner required by law of town collectors, which he shall verify by comparison with the assessment roll, and certify to be correct, and to each of which shall be annexed the affidavit of the officer to whom the warrant was delivered, that the sums mentioned in such account remain unpaid, and that he has not been able upon diligent inquiry, to discover any

Collection
of unpaid
taxes.

Separate
statements
of unpaid
city and
school
taxes to be
filed.

goods and chattels belonging to or in the possession of the person charged with or liable to pay such sums, whereon he could levy the same. The chamberlain shall deliver such account of unpaid city taxes to the common council which shall be filed with the city clerk and such account of unpaid school taxes to the board of education of said districts respectively, which shall be filed with the clerk thereof, and he shall have the proper credits therefor. The common council shall have the power to add the amount of such unpaid city taxes, together with interest thereon at the rate of ten per centum per annum, to the annual city tax the succeeding year and charge the same upon the real estate upon which it was originally assessed, or levy and collect the same by distress and sale of the goods and chattels belonging to or in the possession of the respective persons whose taxes remain unpaid; and the same proceedings may be had for the collection thereof in all respects and with like effect as in the case of other city taxes for the then current year. The boards of education of said school districts shall have the power to add the amount of such unpaid school taxes together with the interest thereon at the rate of ten per centum, to the annual school tax in the succeeding year, and charge the same upon the real estate upon which it was originally assessed; and the city chamberlain shall have the same power in relation to the collection thereof as is conferred upon him by this act with respect to the collection of other school taxes for the then current year; and the said common council shall have the power to relevy and reassess such city taxes, and any taxes erroneously assessed and the boards of education such school taxes, in the manner aforesaid in succeeding years but not beyond the amount of time specified in sections sixty-one and sixty-two; or said common council may proceed to foreclose the lien of such taxes and sale of the land effected thereby in the manner provided; in the sixty-first and succeeding sections of this title; but nothing herein contained shall be construed to repeal or in any way impair the effect of the provision of chapter fifty-five of the laws of eighteen hundred and sixty-four, or any amendment of the same or any other existing laws and the methods of procedure and requirements of said act and any amendment thereof, or any other existing laws as to the collection or payment of any unpaid or returned school taxes, shall remain in force and be applicable to any school district or

Unpaid city taxes to be added to annual city tax of following year.

Unpaid school taxes to be added to annual school tax of following year.

board of education embraced in whole or in part within the limits of the city of Corning.

§ 58. The chamberlain shall settle annually with the common council within the time prescribed in section thirty-nine of title four of this act, when he shall account to said common council for all moneys belonging to said city received by him during the preceding year. At the time of the annual settlement, had immediately preceding the expiration of his term of office, or within such time after such settlement as the common council may fix, he shall pay to said common council or to his successor in office, as said common council may direct, all such moneys remaining in his hands. He shall, at the time of such payments, deliver to the common council or to his successor in office, as directed by said common council to do, all assessment rolls, books and papers pertaining to the affairs of said city. Said common council shall thereupon execute, acknowledge and deliver to said chamberlain a satisfaction piece, in the form as nearly as may be provided by law in the case of collectors of towns, upon production of which the county clerk shall enter of record satisfaction of the bond of such chamberlain executed by him to the said city. Failure of the chamberlain to account for or pay over all moneys as required by this section, or other sections of this act, shall be a breach of the condition of his bond, for which the city of Corning shall have a cause of action against him and his sureties and said city shall be entitled to recover in any such action all sums of money remaining unpaid or unaccounted for by said chamberlain and all damages sustained by said city by reason thereof, besides costs. Every such chamberlain who shall willfully misappropriate any moneys, securities, obligations or other evidences of debts belonging to said city, or to said school districts which shall have been received by him as such chamberlain, or who shall, in violation of this act, or of any other law of this state, draw out moneys so deposited or who shall be guilty of any other malfeasance or willful neglect of duty of office, shall, upon conviction thereof, be punished in the same manner and to the same extent as provided by law in the case of a county treasurer convicted of any such misconduct in office.

§ 59. Whenever the chamberlain shall receive a warrant for the collection of a tax for any city purpose other than those purposes hereinbefore specified, it shall be his duty forthwith to give

Annual
settlement
of cham-
berlain.

Notice for
collection
of taxes.

notice in two newspapers that the same has been delivered to him for collection, and that for thirty days thereafter such tax may be paid with one-half per centum fees, and that for the next thirty days one per centum fees will be collected; and if any such tax shall remain unpaid at the expiration of the time last mentioned, the chamberlain shall give a written or printed notice to the person against whom the said tax remains charged, requiring him to pay the same to the chamberlain at his office within ten days thereafter, with five per centum fees thereon. Such notice shall be served and subsequent proceedings for the collection of said taxes taken in the manner hereinbefore provided for the collection of taxes for general city purposes.

Assessments for city and school purposes to be liens on real property.

§ 60. All taxes and assessments for city or school purposes shall be a lien upon the real estate upon which they are assessed, and upon all real estate in said city of the person taxed or assessed for a city tax, or in said school district, for a school tax, of the person taxed or assessed, for ten years from the first publication by the chamberlain of the notice mentioned in section fifty five of this title, unless sooner paid, and shall have priority in the order of time in which they become liens. If the proceedings to enforce said liens have been stayed by the court or judge, the period of such stay shall not be taken as a part of said ten years. Such liens shall be superior to any mortgage, judgment or other lien of any nature affecting such premises.

Unpaid assessments to be delivered to city attorney after one year.

§ 61. Whenever such unpaid taxes and assessments, with the additions thereto, on any one parcel of land, shall have been in the hands of the common council or boards of education for one year, and shall amount to at least the sum of twenty-five dollars, the city clerk, if such tax be a city tax, or the clerk or the secretary of such boards of education, if a school tax, shall cause the city chamberlain's certificate to the account mentioned in section fifty-eight of this title, together with his certificate to a like account of all other taxes and assessments on the same parcel of land, to be countersigned by the mayor, if a city tax, or by the president of the boards of education, respectively, if a school tax, and deliver them to the city attorney.

Unpaid assessments for three years, disposition of.

§ 62. Whenever any such tax or assessment on any one parcel of land shall have remained unpaid in the hands of the common council or boards of education for three years, such clerks shall respectively cause such certificate and account, together with

all accounts and certificates of all other taxes and assessments on the same parcel of land to be countersigned by the mayor, if a city tax, or by the presidents of the boards of education, respectively, if a school tax, and deliver them to the city attorney.

§ 63. The account and certificate of said chamberlain, with his certificate countersigned by the mayor, or presidents of said boards of education, shall be presumptive evidence of the legality of the taxes and assessments therein described, and of the regularity of all the proceedings required by law and the provisions of this act to be taken before the delivery of the account and certificate to the city attorney. Presumptive evidence of legality of assessments.

§ 64. The city attorney shall proceed to sell such lands as herein provided: Sale of lands.

1. He shall immediately cause to be published, once a week, for two successive weeks, in one or more daily newspapers published in the city, a list or statement of the parcels of land charged with any unpaid tax, penalty or interest, so returned to him describing each parcel with a notice that each of the said parcels of land will, on a day within ten days after the second publication, to be specified in said notice, be sold at public auction at a place in the city therein specified to discharge the tax, penalty or interest and expenses of the sale, which shall be due thereon at the time of the sale. The charge for publishing said notice shall be one dollar to each newspaper publishing the same for each piece or lot of land described in said notice. On the day and at the place stated in said notice, the city attorney shall commence the sale of said parcels of land, and shall continue the sale from day to day until all shall be disposed of. Notice of sale of lands for unpaid taxes.

2. The purchasers on such sales shall pay the amounts of their respective bids to the city attorney immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the city attorney shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the city attorney shall bid in the same for the city and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the city attorney shall prepare and execute in dupli- When property shall be resold.
When property shall be bid in for city.
Certificate of sale.

cate, as to each parcel sold, a certificate of such sale, describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof, and stating the facts of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the city attorney. The city attorney shall deliver the other duplicate certificate to the clerk of the county of Steuben, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of one dollar for each certificate so filed and recorded, which fee shall be paid by the city attorney, and shall be a part of the expenses of the sale of the parcel.

When city clerk may conduct sale.

3. If from any cause the city attorney shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the city attorney.

Proceeds of sales, disposition of.

4. The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and to the extinguishment of the tax, penalty or interest for which it was sold, the taxes and assessments levied under the provisions of this act subsequent to those for which the sale is made, with additions thereto, to the payment of all school taxes unpaid thereon at date of such sale, and if there shall be any residue, the same shall be paid over to the chamberlain who shall pay such owner the said surplus. In all other cases, the chamberlain shall hold the same until after the period of redemption shall have expired, and then he shall pay such surplus and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in case of surplus on statutory foreclosure of mortgage on real estate.

5. Such sale shall be made subject to all state and county taxes which are a lien at the date of the sale.

Sale subject to state and county taxes.

§ 65. 1. The owner of, or any person interested in or having a lien upon any parcel or lots so sold, may redeem the same from such sale at any time within two years by paying to the city attorney, for the use of the purchaser or his assigns, or if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate, with interest thereon, at the rate of twelve per centum per annum from the day of sale, together with any tax, assessment or water rate upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the rate of twelve per centum per annum upon such tax, assessment or rate from the time of payment.

Redemption of property sold for taxes.

2. At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the city attorney shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least once a week for six successive weeks in two newspapers published in said city, the publication of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his heirs or assigns, or the person finally redeeming, from claiming any interest in or lien upon said lands or any part thereof, in case the said lands shall not be redeemed from such sale as herein provided, except as to state and county taxes.

Notice of redemption

3. If any parcel or lot so sold shall not be redeemed as herein provided, immediately after the expiration of the said two years, the city attorney shall execute and deliver to the purchasers, his heirs or assigns, or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the lien if any, of unpaid state and county taxes.

Conveyance of real estate sold delivery of

Conveyance
conclusive
evidence of
regularity
of sale.

4. Every such conveyance shall be executed by the city attorney, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate.

Possession
of lands
granted to
city, re-
moval of
occupants.

5. The said grantee or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance and may cause the occupants of such lands to be removed therefrom and the possession thereof to be delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

When
purchase
money to be
refunded.

6. Whenever any grantee under any sale shall be unable to obtain possession of the lands conveyed to him by reason of any error or irregularity in the assessment of any person or property or in the levying of a tax, or any proceedings for the collection of any tax, the common council shall refund to the purchaser the money so paid with interest, the same to be audited and paid as other city charges.

7. Any city or school tax heretofore assessed in the said city, may be enforced as provided in this and the preceding sections, as hereby amended.

Redemp-
tion before
final sale.

§ 66. At any time after such city or school tax or assessment has become a lien upon any parcel of land and before the final sale thereof, the owner of the fee of the property or any person having a lien by mortgage or judgment thereon, may pay said tax or assessment, with the interest, costs and expenses thereon, to the officer of the city having the same for collection, and thereupon an assignment of said tax and assessment shall be executed to said person, if a mortgagee or judgment creditor, and he may add the amount so paid to his lien and enforce it, with the interest as a part thereof. In case of two or more mortgages or judgment-liens upon the same property the holder of the prior mortgage or judgment shall have the right within the time aforesaid to redeem the premises from said tax or assess-

ment, if an assignment thereof shall be held by the holder of a subsequent mortgage or judgment, but the provisions of the section relating to school taxes, and the provisions of the other sections of this title relating to the enforcement of the lien of such taxes, shall not be applicable to those the account of which shall have been transmitted to the treasurer of the county of Steuben, and which he shall have paid or will be required to pay pursuant to the provisions of the statutes of the state upon the subject.

§ 67. During the first week of June in each year the common council may begin the publication in two newspapers of a statement of all city and school taxes and assessments on any assessment roll for the preceding year which remains unpaid, with a concise description of the parcels of real estate affected thereby, and a notice of the penalties to be incurred as herein provided in case of the nonpayment thereof. It shall continue such publication once in each week for three consecutive weeks, and the expense of such publication shall not exceed one dollar for each piece of land so advertised. There shall be added to the tax on each parcel, and collected from the person paying the same, the expense of publishing the description of such parcel.

Publication of statement of unpaid school and city taxes.

§ 68. In addition to the remedies hereinbefore provided for the collection of unpaid taxes and assessments, the common council shall have power to collect by civil action in the name of the city of Corning, any city tax, and the boards of education of each of said districts shall have power to collect by civil action in its name any school tax imposed by it under the provisions of this title, which shall be returned by the chamberlain as unpaid; and all assessment rolls and certificates of special assessments filed with the clerk or delivered to the chamberlain, or certified copies thereof, shall be prima facie evidence in all courts and places and in all actions and proceedings that the taxes and assessments therein contained have been regularly and duly assessed and imposed, and of the right of recovery thereof.

Civil actions to collect unpaid city and school taxes.

§ 69. The city clerk shall deliver the duplicate original assessment roll and copy remaining unused in his office to one of the supervisors of said city on or before the first day of October in each year, who shall present such duplicate original roll to the board of supervisors of Steuben county as and for the assessment roll of said city.

Delivery of duplicate original assessment roll to supervisors.

Correction
of assess-
ment rolls
by super-
visors.

§ 70. Said board of supervisors shall have the same power and authority to examine and correct such assessment roll and to equalize the values therein expressed as it has or may have by law with respect to assessment rolls of towns in said county. Such board of supervisors shall at its annual meeting, fix and determine the proportionate amount of state and county taxes to be equitably paid by the city of Corning, and shall levy such state and county taxes upon said city and extend the same upon the said assessment roll in the manner in which it is by law directed

Warrant.

to levy like taxes upon the several towns of said county. To such assessment roll shall be annexed a warrant, directed to the chamberlain of the city of Corning, similar in all respects, as nearly as may be, to like warrants issued by said board of supervisors to collectors of towns. Such roll and warrant and the copy roll mentioned in the last section shall be delivered to one of the supervisors of the city of Corning, who shall return the same

Delivery of
warrant
and roll to
city cham-
berlain.

to the city clerk. The original roll and warrant shall be delivered by the clerk to the chamberlain of said city after the bond mentioned in this section shall have been executed; approved, filed and entered as herein provided, and not otherwise. To the copy of the assessment roll remaining in the city clerk's office shall be attached a copy of said warrant and a receipt signed by the chamberlain acknowledging the delivery to him of the original roll and warrant. Such chamberlain shall, within ten days after he received notice of the amount of such taxes to be collected and received by him, execute to the supervisors of said city and deliver to them a bond with two or more individual sureties or a surety company to be approved by such supervisors, in a penalty double the amount of such taxes, conditioned that he will faithfully collect and receive such taxes and account for and pay over the same according to law. Immediately after such supervisors shall have approved said bonds, they shall file the same, with their approval endorsed thereon, in the office of the county clerk, who shall enter the same as provided by law in the case of bonds of town collectors; and said bond shall, from the time of filing be and become a lien upon the real estate of such chamberlain and his sureties, in the same manner, to the same extent and for the same time as such collector's bonds. The time for collecting and receiving such taxes and for making return thereof may be extended in the manner and for the time provided by

Bond of
chamber-
lain, ap-
proval of.

Extension
of time to
receive
taxes.

chapter thirty-two of the laws of eighteen hundred and eighty-five, upon compliance by said city chamberlain with the conditions imposed thereby. Except as modified by this act, the laws of this state in relation to the collection of state and county taxes shall govern the collection of all such taxes, by the city chamberlain and all provisions of law applicable to the return of uncollected taxes shall apply to such of said taxes as may remain unpaid.

§ 71. The laws of this state shall apply to and govern the collection of taxes in said city in all cases not provided for by this act.

§ 72. All taxes and assessments of the city of Corning uncollected at the time of going into effect of this act shall be collected in the manner heretofore provided for the collection of taxes or assessments.

TITLE VI.

Police department.

Section 73. The police department of the city of Corning shall be under the general control and management of the police commissioners thereof, who shall be the mayor and four other persons, who shall be appointed as hereinafter stated, and hold their office two for two years and two for four years and who shall serve without compensation, and until their successors shall be respectively appointed and have qualified. The persons so appointed shall be called the board of police commissioners of the city of Corning. After the expiration of the term of office of those who shall be appointed for two years the term of office shall be four years.

Police commissioners, terms of.

§ 74. The mayor shall nominate and by and with the consent of the common council appoint four suitable and proper persons who shall be residents of and electors within the city of Corning, to serve as such police commissioners of said city of Corning, and all such appointments shall be nonpartisan and shall be so made that the two principal political parties represented in the common council shall always be equally represented by the four commissioners respectively, and as vacancies occur by expiration of term, death, resignation or removal, they shall be filled in the manner and under the regulations and requirements before stated.

Commissioners, appointment of.

Organiza-
tion of
board; quo-
rum; by-
laws, etc.

§ 75. The mayor shall be president of said board of police commissioners, but he shall have no right to vote on any of the appointments or dismissals to be made under the provisions of this title. The city clerk shall be clerk of said board without additional compensation therefor, any three of said commissioners shall form a quorum for the transaction of any business other than the appointment or dismissal of members of the police force, except as hereinafter otherwise directed; and such board may adopt rules and by-laws for the government thereof, and also may establish, promulgate and enforce proper rules, regulations and orders for the good government and discipline of the whole force, transmit to the common council a copy of the same, and cause a suitable number of copies thereof to be printed for the use of the department, provided that such rules, regulations or orders shall not conflict with any provisions of this act, or with the laws or constitution of this state or of the United States.

Oath of
commis-
sioners;
meetings.

§ 76. The said commissioners of police, before entering upon the duties of their office, respectively, shall take upon themselves the usual oath of office, and shall meet at the mayor's office or any suitable place, at such time as may be expedient, or as they shall from time to time designate, and on special occasions as the mayor may appoint in writing, notice of which shall be served on such commissioners personally, or be left at the place of residence or of business of such commissioners, respectively, and no alderman shall be eligible for appointment as police commissioner; and any of the appointed commissioners who shall hereafter be appointed or elected to any political office of the city and shall not, within ten days, publicly decline the same, shall be deemed to have vacated his office of said commissioner.

Policemen,
manner of
appoint-
ment of.

§ 77. For the purpose of providing a permanent and effective police force, it shall be the duty of said board of police commissioners to select from the electors of said city, and unanimously appoint by warrant of appointment, bearing the signatures of all four of said commissioners, and to be immediately filed with the city clerk, so many permanent policemen as they may deem necessary, not to exceed one for each fifteen hundred inhabitants of said city, as shown by the last preceding state or national enumeration of inhabitants of said city, on the said police force, except as hereinafter otherwise specified, and as vacancies occur to fill the same in the same manner. And said board shall, in like

manner, also appoint one city chief of police through whom said board may promulgate rules, regulations and orders to the whole force, and who shall have the immediate direction and control of said force; subject, however, at all times to the rules, regulations and orders of said board and to the orders of any member thereof, provided the orders of such single commissioner do not conflict with the rules, regulations and orders of said board then in effect; and such chief of police and such policemen appointed in the manner aforesaid, may hold his respective office during good behavior, or until the board by unanimous vote shall decide such chief of police or policemen to be incompetent or inefficient and cause his removal by duly appointing in his place some other person in the manner above provided; but in case of misconduct on the part of such chief of police or policeman, then he may be removed by a decision of a majority of said board as hereinafter provided; and in case said board, by reason of disagreement or otherwise should at any time fail to appoint in the manner above specified, such chief of police or necessary policemen, then a majority of such board may nominate, and with the approval of the common council, by a concurring vote of at least two-thirds of the common council elected, may appoint such chief of police or policemen, and upon the warrant of appointment, duly filed, shall appear the approval of the common council, properly certified by the clerk; and all such appointments shall have the same effect as if made by the unanimous action of the board in the manner hereinbefore provided.

Chief of police.

Terms and removal of police.

§ 78. The mayor, or any one of the said commissioners at any time, upon charges being preferred, or upon finding the chief of police or any other member of the police force guilty of misconduct shall have power to suspend such officer from service until the board of commissioners shall convene and take action in the matter; provided, however, that such member shall not remain so suspended for a longer period than thirty days, without an opportunity of being heard in his defense; and upon hearing the proofs in the case, a majority of such commissioners may discharge or restore such member in accordance with the decision of a majority of such board thereon; and the pay or salary of any member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed

Suspension of members of police force by mayor.

with the clerk; and any violations of the rules, regulations or orders of this board, or orders of any superiors shall be good cause of removal.

Salaries of
police force,
estimate
for.

§ 79. The salary of the chief of police and policemen for the ensuing year shall be determined by the board of police commissioners at the time when they make their annual report and estimate to the common council as provided in section forty-eight of title five, and such salaries shall not be changed unless the common council shall reduce the estimate of the police commission, in which event the police commission may revise and re-determine such salaries.

Commis-
sions of
members of
police force.

§ 80. The said chief of police and every policeman duly appointed as aforesaid shall have issued to them respectively a warrant of appointment signed by the president of the board and countersigned by the city clerk, stating the date of his appointment, which shall be his commission, and he shall take the proper oath of office and subscribe the same in a book kept for the purpose, and each of them shall have and exercise the same power and authority as constables of towns now have by existing laws, and be subject to the same regulations and liabilities as are imposed upon constables of towns by existing laws, except that neither said chief of police nor any policeman provided for in this act shall have any power or authority concerning or any jurisdiction of any civil process or proceeding, except as expressly conferred by other provisions of this act.

Powers of
police.

§ 81. The said chief of police and policemen shall also have power and authority respectively to arrest any person or persons by them found violating any of the penal ordinances or laws of the city and to take such person or persons before the mayor or city judge to be dealt with the same as if such person or persons had been arrested upon warrant theretofore duly issued by such city judge, and it shall be the duty of such chief of police and policemen, respectively, to enforce any and all of the penal ordinances and laws of the city of Corning.

Compla-
ints
for viola-
tions of
licenses.

§ 82. The mayor or city judge of the city may hear in a summary way any complaint for the violation of the laws of the state or the ordinances of the corporation, against any person to whom a license of any description may have been granted in pursuance of this act, and may compel the attendance of witnesses in the same manner and with like powers as justices of

the peace now possess in the trial of civil causes, and on such hearing may annul such license or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode or business, and from the time of such service such license shall be deemed to be annulled or suspended, according to the tenor of such determination, until the same shall be reversed by the common council. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the person complained of, and such person may appeal from the determination of the mayor or city judge within forty-eight hours after the same shall have been made to the common council by filing his appeal with the clerk, and stating the grounds thereof, and said mayor or city judge shall have power to reverse the same, but such appeal shall not suspend or in any manner affect such determination until the decision of the common council thereon. It shall be the duty of all policemen or the overseer of the poor of said city to arrest, with or without process, all persons found begging from house to house, or applying to any of the officers of said city for food or lodgings, and who are designated and commonly known as or termed tramps or vagrants, and to bring them before said mayor or city judge, who are hereby authorized to summarily try them for such alleged vagrancy, and upon conviction thereof, to sentence them to hard labor for said city, not to exceed twenty hours.

Vagrants,
arrest and
trial of.

§ 83. The chief of police or policemen shall not be entitled to receive for their own use any fees for the services performed by them in cases of criminal nature arising under the provisions of this act or for violations thereof; but each one shall be paid his actual disbursements in taking criminals to any place to which they shall be sentenced, and his actual travelling expenses in all cases of felonies or in making arrests or warrants in which he shall have traveled more than two miles outside of the city limits to perform the service. Each one of said officers shall keep a book in which shall be entered all business done by him, and shall make out his account of all such business in case of felonies, against the county of Steuben, duly verified by him, which shall be audited, and shall annually, at the time of presen-

Police not
to receive
fees.

Police officers to keep
account
against
county in
cases of
felony.

tation against the county, make out an account of all charges made by him against the county for services rendered in case of felonies, duly verified, and present the same to the city clerk, who shall present the same to the board of supervisors of the county of Steuben, which board shall audit and levy the same as other charges, and an order for the same shall be delivered to the city chamberlain as moneys belonging to said city. The actual traveling expenses allowed by this section shall be audited and paid as other charges, and an order for the same shall be delivered to the city chamberlain as moneys belonging to said city. The actual traveling expenses allowed by this section shall be audited and paid as other charges against said city out of the contingent fund thereof.

Traveling expenses.

§ 84. The board of police commissioners shall also have the power to appoint, in the manner provided by section seventy-seven of this title, not exceeding fifteen special policemen, who shall hold their office by virtue of such appointment for such period as such board shall direct, and shall be subject to the provisions of this act. Such special policemen shall forthwith take the oath of office, and shall thereupon become vested with all powers and shall discharge all the duties of policemen under this act and the statutes of this state, subject to such limitations and restrictions as said board shall fix and prescribe; but such special policemen shall not receive or be entitled to any fees or compensation whatever.

Special policemen, oaths and duties of, etc.

§ 85. The mayor of said city shall be authorized whenever the public interest shall require, to appoint special policemen, not to exceed twenty-five in number, who shall hold their office by virtue of such appointment for such period as the mayor may direct, not exceeding two weeks under any one appointment. Such special policemen shall forthwith take the oath of office and shall thereupon become vested with all the powers and shall discharge all the duties of policemen under this act and in pursuance of the statutes of this state, as they may be directed by the mayor or other competent authority; and for such service they shall receive such compensation as shall be fixed by the mayor, but the rate of compensation shall not exceed that allowed to the policemen of said city for an equal time of service. The chief of police of said city shall possess all the powers and be bound to discharge all the duties of a policeman described in this act.

Special policemen, number and terms of.

TITLE VII.

Of the powers and duties of the city judge.

Section 86. A court of civil and criminal jurisdiction, to be City court created. called and known as the city court of the city of Corning, is hereby created and established, in and for said city, with the jurisdiction and powers hereinafter provided. The city judge City judge, salary of. shall be the judge of the court, and shall receive a salary of twelve hundred dollars per year, payable in monthly installments. The court shall be open for the transaction of business each day in the year from nine to eleven o'clock ante meridian, and as much longer as necessary, except Sundays, and upon those days for such purposes as are provided by law.

§ 87. The common council of said city shall provide suitable Rooms, etc., for use of court. rooms, light, furniture, necessary blank books, stationery and other necessary articles for the use of said court; and shall provide for the payment of all necessary expenses of said court. The official stenographer may charge and shall receive for his services Official stenographer, fees of, etc. for reporting trials not to exceed the sum of fifty cents per hour, while actually engaged in court in such duty under the direction of the city judge, to be paid by the plaintiff and included in the judgment as a necessary disbursement of the trial. The stenographer shall receive like fees for reporting criminal trials and the same shall be a charge against the city. The official stenographer shall furnish to litigants, upon request, copies of the minutes of such trials and shall be entitled to charge and receive therefor for his own use the sum of six cents per folio. The stenographer shall furnish the city judge a transcript of the minutes of any trial free of charge when directed to do so by the city judge. For transcribing the minutes on appeal to the county court, or making return in criminal cases, he shall be entitled to one dollar, and for each folio in excess of fifty folios six cents additional.

§ 88. Except as provided in the next section, the city court shall Jurisdiction of city court. have jurisdiction of the following civil actions and proceedings, to wit:

1. An action to recover damages upon or for breach of contract, express or implied, other than a contract to marry, when the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury or an injury to property, when the sum claimed does not exceed five hundred dollars.

3. An action to recover a fine or penalty, not exceeding five hundred dollars.

4. An action upon a judgment, not exceeding five hundred dollars, rendered in said court, or in any court of the state of local jurisdiction, being a court not of record.

5. An action to recover one or more chattels with or without damage for the taking, or withholding or detention thereof, where the value of the chattels as stated in the affidavit of the plaintiff does not exceed five hundred dollars.

6. An action upon a bond, conditioned for the payment of money, where the sum claimed to be due does not exceed five hundred dollars, the judgment to be rendered for the sum actually due; where the sum secured by the bond is to be paid by installments, an action may be brought for each installment as it becomes due.

7. An action upon a surety bond, taken in said court, or by a justice of the peace.

8. To render judgment upon the confession of the defendant or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

9. In summary proceedings under title two, chapter seventeen of the code of civil procedure, to recover possession of land, and to remove tenants and others therefrom.

10. In actions or proceedings under any statute for the enforcement of liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars, the same proceedings to be had as are provided by law to be had in justice's court.

11. In the proceedings in the cases of bastardy brought by the overseer of the poor of the city of Corning, or by the superintendent of the poor of Steuben county.

12. In the action against an executor or administrator, as such, where the amount of the claim is less than one hundred dollars and the claim has been duly presented to the executor or administrator, and rejected by him.

13. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed five hundred dollars.

14. In an action commenced by attachment, pursuant to the provisions of article four, of title two, chapter nineteen of the code of civil procedure, if the debt or damage claimed do not exceed five hundred dollars.

15. In any other action or proceeding, in which justices of the peace of towns now have jurisdiction.

§ 89. The city court shall not take cognizance of a civil action in either of the following cases:

Cases in which city court has no jurisdiction.

1. Where the title to real property comes in question as prescribed in title three of chapter nineteen, of the code of civil procedure. When such question arises, the pleadings and practice shall be the same as are now provided by law for justices' courts in regard thereto.

2. When an action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in the matter of an account, the sum total of the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

§ 90. The city judge shall have jurisdiction to issue all criminal processes and all processes other than in civil actions or special proceedings which a justice of the peace in towns is empowered or directed by law to issue; to hear all complaints and to conduct all examination in criminal cases; to hold courts of special sessions with all the powers and jurisdiction of such courts as regulated by law and the provisions of this act; and the additional power and jurisdiction is hereby conferred on said city judge, exclusive of any justice of the peace or court of special sessions, in the first instance to hear, try and determine all charges for misdemeanors, and also to hear, try and determine all charges for being disorderly persons under this act, charged to have been committed within the territorial limit of his jurisdiction, and to impose the punishment authorized by statute for such offenses, the same as though conviction were had in the county court, subject to the power of removal provided in sections fifty-seven and fifty-eight of the code of criminal procedure. Also to try and sentence

Powers of city judge.

all persons who may be found guilty of any offenses which are triable by said city court and to commit for trial all persons who shall be charged with the commission of felonies not triable in said court. Said city judge shall have power to let to bail persons charged before him or by indictment with a felony which is bailable. The city judge shall also have the same right, powers and authority within said city to administer oaths and to take affidavits and acknowledgments that justices of the peace of towns now have. Said city judge shall have the same jurisdiction, power and authority as justices of the peace of towns now have in civil actions brought by the city of Corning for the recovery of fines and penalties for the violation of city ordinances and civil actions brought by the board of health for violations of their rules and regulations. Said city judge shall have the same jurisdiction and authority as the justice of the peace in bastardy proceedings under the laws of this state, but shall not be required to associate with himself another magistrate; and said city judge shall have the same criminal jurisdiction as is conferred by law upon justices of the peace in towns. All processes in criminal actions or proceedings, warrants and mandates issued by the city judge or the acting city judge requiring service shall be served by the city policemen or by officers authorized by the laws of this state to serve such processes, warrants and mandates, and the same may be served in any county of this state without being endorsed by any other magistrate. When any person charged or complained against as a disorderly person under the provisions of this act, or for any violation of the city ordinances, shall be arrested and brought before such city judge, he shall forthwith proceed to hear, try and determine the complaint or charge upon which said person is arrested, or he may, in his discretion, adjourn the hearing on trial upon cause shown, not to exceed twenty days, and in the meantime, in default of bail, shall commit the accused to the city lockup or station house, or any other convenient and secure place until such day; or he may suffer him to go at large on his executing a bond, with sureties, to be approved by said city judge, conditioned that he will appear on such adjourned day; and upon conviction of any such offender, either by confession or competent testimony, the said city judge shall have full power. and he is hereby authorized to punish such offender by fine not

Bail.

Oaths and acknowledgments.

Actions to recover fines and penalties.

Bastardy proceedings.

Service of process.

Disorderly persons, trial of.

to exceed one hundred dollars, or by imprisonment in the county jail of Steuben county, or such other jail or penitentiary as may be designated by the board of supervisors of Steuben county, not exceeding six months, or by both such fine and imprisonment. Any person violating any ordinance of said city shall be deemed a disorderly person, unless such conduct shall be a crime.

§ 91. The justice of the peace elected under section seven of this act shall be acting city judge and shall have all the powers and jurisdiction of the city judge, including jurisdiction in all cases then pending before said city judge, whenever said city judge shall be absent from the city or incapacitated or disqualified to act by reason of any inability or disability whatever, until said city judge resumes his duties. The said justice while acting, shall receive the same compensation, pro rata, as said city judge. Whenever a vacancy shall occur in the office of city judge, the acting city judge shall perform all the duties of the city judge until such successor is elected and qualified. The claim for services of the acting city judge shall be itemized and verified by him and presented monthly to the common council who shall audit, allow and pay the same, and shall deduct the amount so paid from the salary of the city judge, except as hereinafter provided.

Acting city judge, powers and jurisdiction of.

Vacancies.

§ 92. The city judge shall have power to take oaths and acknowledgements* with the same force and effect as a justice of the peace. He may command the services of the chief of police or any policeman of said city to enforce the authority of the court and maintain order. He shall have power to appoint and remove at will a stenographer who shall take the usual oath of office and file it with the city clerk. The stenographer so appointed shall take and keep the minutes of all trials and other proceedings before said city judge or court whenever required by the city judge to do so and his minutes, when so taken, shall constitute the official record of such trial or proceeding and of all testimony taken thereon. Said judge may make and certify in the form provided by law, for clerks of courts of record of this state, copies of entries in his docket or in his minutes, and of all papers filed in said court. The said judge shall keep an accurate account of all fees and fines received, from whom received and the time of receiving the same; and on the first business day of each month

Authority of court, enforcement of.

Stenographer, appointment and duties of.

Account of fines and fees to be kept.

* So in original.

shall deposit with the chamberlain the amount thereof received in the last preceding month, with a detailed statement of the items thereof, verified by his affidavit, to the effect that the same is correct and embraces all moneys paid into said court or received by said judge for fees and fines during the period covered by said statement. He shall also keep an account of all criminal business done by him, which by law is now made a charge upon the county of Steuben, and at the annual meeting of the board of supervisors, the same shall be audited and ordered paid to the chamberlain of the city. He shall keep an account of all his proceedings, and in his dockets a complete and accurate record of all process issued from and returned to said court, and of all proceedings in each civil and criminal action, and all proceedings brought therein or before him, and shall enter therein the judgment and decision of the court or judge. Such docket shall have the same force and effect as evidence in courts of the state or dockets of justices of the peace of towns. Said court shall have an official seal, to be furnished by the city, on which shall be engraved the words "City Court, City of Corning, seal." Said judge shall have the custody of said seal, and any certificate made by him, under his hand and seal of the said court, as to any fact or matter to which, by this act, he shall be entitled to certify, shall be evidence of the fact therein stated, and shall be received in evidence in all courts and places and be of the same force and effect as if the court were a court of record. In actions and proceedings for the recovery of fines and penalties, the certificate of the city clerk, under the corporate seal of the city, setting forth any ordinance, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption, shall be presumptive evidence of the existence and adoption thereof.

§ 93. The processes and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder, and the practice and procedure in said court, and before the city judge, and the jurisdiction of said court, of persons and subject-matter, shall be the same as in courts of justices of the peace in towns, except as otherwise provided in this act, and all provisions of law applicable to justices of the peace in towns and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court and the judge thereof, except as qualified by this act.

Account of
criminal
business
chargeable
to county
of Steuben.

Docket,
how kept.

Official
seal.

When cer-
tificate of
city clerk
is presump-
tive evi-
dence.

Practice to
be same as
in justice
court.

Transcripts of judgment may be filed in the office of the clerk of the county of Steuben, and the enforcement of such judgments shall be had in the same manner and with like force and effect as judgments of the courts of justices of the peace in towns. At any time within five years after entry of a judgment, the city judge then being in office may issue an execution thereupon, or transcript thereof, unless it has been docketed in the county clerk's office. For the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town.

§ 94. Where a judgment has been rendered by the court upon the default of either party to an action therein, and such party shows by affidavit or otherwise that manifest injustice has been done and renders a satisfactory excuse for his default, the court may, in its discretion, within twenty days after the entry of such judgment, except where a transcript of the judgment has been filed in the clerk's office of Steuben county, set aside the judgment and all proceedings thereunder and grant a new trial upon such terms as it deems proper. Upon such application the court may grant an order to show cause at a time not more than five days thereafter, why the default should not be opened, and may, pending a hearing, temporarily stay all proceedings upon said judgment. Such order and the affidavits upon which it was granted shall be served on the opposing party or his attorney who has appeared in the action, not less than three days before the return day thereof. Every action or proceeding brought in said court or before said judge shall be called at the time specified in the mandate or process by which it is commenced, or as soon thereafter as business will permit, and section twenty-eight hundred and ninety-three of the code of civil procedure shall not apply to such action or proceeding. Such judge may, in his discretion, charge the jury on questions of law, and it shall be his duty so to do whenever requested by any party to an action or the attorney of such party.

§ 95. All the powers now given by the code of civil procedure, or by statute, to justices of the peace of towns, to issue executions or give transcripts are hereby given to the judge of said court. A judgment of said court shall be in all respects the same as a judgment rendered by a justice of the peace of towns, and all

provisions of the code of civil procedure, in relation to filing transcripts of such judgments and docketing the same in the office of the clerk of Steuben county, or any other county, and the effect of said judgment when so docketed, shall in all respects be the same as if said judgment was recovered before a justice of the peace of a town. Said judgment when so docketed shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court.

Adjourn-
ments.

§ 96. The court may, in its discretion, grant one or more adjournments of a trial of an action or the hearing of a motion or other proceeding, for such time and upon such terms as it may deem just, unless the defendant has been arrested in a civil action, in which case no adjournment shall be made without the defendant's consent. Subject to the approval of the judge of the court, any action or special proceeding may be adjourned after issue is joined, by stipulation signed by the parties or their attorneys, and filed with the court.

Court fees,
amount of.

§ 97. There shall be paid to the said judge the following sums only, as court fees in a civil action; upon issuing a summons, fifty cents; upon the return day, if judgment is taken by default, or if issue is joined (1), if such judgment is rendered, or the amount demanded in the complaint is for a sum less than twenty-five dollars, fifty cents; (2), if judgment is rendered or the amount demanded in the complaint is for the sum of twenty-five dollars or over, one dollar; for the trial of an action by the court, if issue is joined, one dollar and fifty cents; for the trial of an action by a jury, two dollars and fifty cents, in addition to the fees allowed by law in courts of justices of the peace of towns for issuing a venire, service thereof and jury fees; for each transcript or execution, twenty-five cents; for making a return upon an appeal from a judgment or order, two dollars; and in addition thereto there shall be paid, before the return is filed with the appellate court, six cents for each folio of one hundred words contained in said return in excess of fifty folios, which shall belong and be paid to the official stenographer for making such return. In summary or special proceedings, including bastardy proceedings, the fees shall be the same as are now allowed by law to justices and in justices' courts. Said judge shall require prepayment of all fees and shall be personally liable to the city therefor if he fails to do so. All fees paid into said court or included in any judg-

Fees in
special pro-
ceedings.

ment rendered therein, except jury, stenographer, and witness fees, shall belong to the city of Corning, but fees prepaid by either party and recovered in any judgment in his favor, and subsequently paid into court, shall be refunded to him.

§ 98. In all civil actions and proceedings in the court, the successful party shall tax and recover all fees, including jury, constable, stenographer, and witness fees, paid by him, together with all reasonable and proper disbursements, not exceeding the sum allowed by chapter nineteen of the code of civil procedure, actually and necessarily made by him in the prosecution or defense of the action or proceeding. In addition thereto, there shall be allowed to the successful party in an action in which a defense shall have been interposed, in case he has appeared by a registered attorney and not otherwise; if the plaintiff, ten per centum of the amount recovered or the value of the chattels as determined in the trial and fixed by the judgment, not to exceed fifteen dollars; if the defendant is the successful party, the amount to be recovered as costs shall be determined by the amount demanded in the complaint or stated in the complaint to be the value of the chattels, and shall be ten per centum thereof, not to exceed fifteen dollars.

Costs in civil actions.

§ 99. The judge holding such court, while in session, shall have the same powers to preserve order and to punish for contempt committed in his presence, as are possessed by judges or courts of record; provided, however, that an appeal may be taken from an order, adjudging a person in contempt, to the county court, in the same manner as an appeal from a judgment; pending the determination of such an appeal the person adjudged in contempt, if he shall be imprisoned, may be admitted to bail by the judge of said court, or the county judge in such an amount and by an undertaking in such form and with such sureties as shall be approved by such judge.

Power to punish for contempt.

§ 100. Appeals may be taken from any judgment rendered in said court to the county court of Steuben county as prescribed in title eight of chapter nineteen of the code of civil procedure. Upon an appeal from a judgment, the appellate court upon its reversal may, in its discretion, order a new trial in the city court at a time designated, and in such a case the cost of the appeal shall be in the discretion of the appellate court, and any and all costs in the appellate and city courts may be by it directed to be

Appeals.

Costs upon
new trial.

included in any subsequent judgment in the same action in said city court. Upon a new trial in the city court, the successful party shall be entitled to recover the same costs as are provided for in section ninety-eight of this title. Any decision or opinion in writing, filed by the court or judge thereof, shall upon an appeal be returned as a part of the record of the proceedings. Costs required to be paid to perfect an appeal, under section thirty hundred and forty-seven of the code of civil procedure shall not include the costs awarded a party under section ninety-eight of this title, but upon judgment reversing the judgment appealed from, such costs may be included therein.

TITLE VIII.

Justice of the peace.

Jurisdiction,
fees
of, etc.

Section 101. The justice of the peace of the city of Corning shall have jurisdiction in civil actions and proceedings cognizable by law in justices' courts of towns, whether commenced by warrant, attachment, summons or otherwise and whether on contract or otherwise; except that within the city of Corning the city court and judge shall have exclusive jurisdiction as against said justice of the peace in all matters and proceedings of which said city court and judge have jurisdiction; and the process, pleadings, practice, costs, judgments, and all proceedings thereon shall be the same as in justices' courts in towns. The justice of the peace when so acting shall be entitled to demand and receive for his own use the fees prescribed by law for justices of the peace to be paid by the parties to the actions he shall so try.

TITLE IX.

Streets and highways.

City a separate
highway
district.

Section 102. The city of Corning is hereby declared a separate highway district exempt from the supervision and control of the commissioner of highways of the town of Corning.

Public
highways
defined.

§ 103. All streets, parks, places, lanes and alleys not in public use within said city heretofore laid out as public highways under any law of this state, of which a record has been made in the office of the clerk of Steuben county, or of the clerk of the town of Corning, or of the clerk of the village of Corning, and all streets, parks, places and lanes and alleys therein, not recorded,

which have been or shall have been dedicated, worked or improved or used continuously as public highways for twenty years or more at the time this act takes effect, shall be deemed public highways of the city of Corning.

§ 104. The common council shall have power to cause all streets, places, lanes and alleys used as highways in said city, which shall have been opened, laid out or dedicated to public use, but not sufficiently described, to be ascertained, described and entered of record in the city clerk's office, in a book to be provided by the city for that purpose, in the manner required by law of commissioners of highways and towns; and the same, when so ascertained, described and recorded, shall be public highways, lanes, parks, streets, and places of said city.

Streets, etc., to be described and recorded.

§ 105. The board of public works, subject to the approval of the common council shall have power to lay out, and open streets, alleys, lanes, highways, parks and public grounds in said city, and to alter, widen, grade, construct, straighten, extend or discontinue the same. It shall cause all streets, alleys, lanes, highways, parks, places and public grounds laid out or constructed by it to be surveyed and such surveys to be filed and recorded in the office of the city clerk; and the same when so laid out, constructed, filed and recorded, shall be public highways, parks, places and grounds in said city.

Laying out new streets; surveys to be recorded.

§ 106. When the board of public works, with the approval of the common council, shall have determined to lay out, alter, widen, grade, straighten, extend, make, open or construct any street, alley, lane, highway, place or public ground, and to take, appropriate and condemn the land necessary for the same, and shall have ascertained the estimated expense of such improvements, aside from the damages hereinafter mentioned and shall have determined to assess such expense and damage in the manner hereinafter provided, it shall give notice of such determination to the owner or owners of and other persons interested in the lands so proposed to be taken and appropriated by publishing the same once in each week for four successive weeks in two newspapers in said city or by personal service thereof, within the state, upon each of such persons at least fifteen days prior to the time of the application hereinafter mentioned. Said notices shall specify in general terms the improvements to be made and shall describe the lands proposed to be taken and ap-

Assessment of expense for lands taken for improvement or opening of streets, notice of.

Contents of notice; proceedings to acquire lands.

propriated therefor, and shall state that such owner or owners, and all persons interested in said lands may, on or before a day to be specified in said notice, file with the clerk of the city their claim for damages, if any they have, on account of such taking or appropriating; and that, in case any such claim for damages shall be filed, said board will apply, at a time and place to be specified in said notice, to a special term of the supreme court within the judicial district in which said city is located, or to the county court of Steuben county, for the appointment of three commissioners to ascertain and determine the damages so claimed. If any such claim shall have been filed as aforesaid, said common council shall make application to said court, at a time and place in said notice specified, for the appointment of such commissioners and any person who shall have filed such claim for damages shall have a right to be heard on the application. Said court shall have power to adjourn the hearing and to exercise general authority over the proceedings, in accordance with the rules and practice of said courts, except as herein otherwise provided. Said commissioners shall be disinterested freeholders and shall, severally, before entering upon the performance of their duties, take and subscribe an oath to faithfully, honestly and impartially perform their duty in making such ascertainment of damages, and to make a true report thereof, according to the best of their ability and understanding. They shall enter upon the performance of their duties without delay, and shall give notice of the time and place of their meeting to make such ascertainment and determination, by publishing the same once in each week for two successive weeks in two newspapers of said city, or by personal service thereof, within the state, upon the owner or owners thereof and all other persons interested in the lands to be taken. If either of the commissioners shall be unable to serve from sickness or any other cause, the common council may at any time, without notice, make application to the court in which the proceedings are pending, to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. At the time and place appointed for their meeting, the commissioners shall view the premises, and receive any legal evidence, and may, if necessary, adjourn from day to day; they shall ascertain, determine and award to the owner or owners thereof, or other persons interested in said lands, so claiming damages as afore-

Adjournments.

Commissioners to take oath of office.

Notice of meetings.

Proceedings of commissioners.

said, such damages as, in the judgment of such commissioners, such owner or owners, or other persons interested will sustain by such appropriation and improvement, after making due allowance for any benefit which such owner or owners or other persons interested may derive therefrom. If there be any buildings on the land taken for such improvements, the value thereof to remove shall be ascertained and determined by the commissioners and stated in their return or report, and the owner thereof may remove the same within ten days, or such other time as the common council may fix, after confirmation of the report of the commissioners and, if the same be removed, such value thereof shall be deducted from any damages awarded to said owner. The determination of the commissioners, signed by all of them, shall be returned to the common council and filed with the clerk within sixty days after their appointment, whereupon the common council shall cause to be published in two newspapers aforesaid, for two successive weeks, a notice that such report has been filed with the city clerk and may be examined by all persons interested, or by personal service within the state, of such notice upon all persons interested; and that at the time and place to be specified in said notice, said report will be presented at a special term of the supreme court, to be held in the judicial district in which the city is situated, or the county court of Steuben county, for confirmation, and that all persons desiring to object to said report shall file their objections thereto, in writing, with the city clerk at least five days before the day specified in said notice for such motion for confirmation. Any person who may have appeared in the proceedings shall be entitled to notice of such motion in accordance with the rules and practice of the court. On the day specified in such notice, or on such other day as the court may designate, the court shall hear the parties in regard to such report, and shall confirm such determination or annul the same. If said court confirms the same, it shall be final and conclusive, but if it annul the same it may refer the matter back to the same commissioners or to three others to be appointed by said court, who shall proceed in all things in the making and return of the second determination as though it were the first, and the same proceedings shall be had thereon as if it were an original determination. After the final confirmation of any such determination, and the filing of the order of con-

Determina-
tion to be
filed with
clerk.

Improvements may be made after filing order of confirmation in office of city clerk.

firmation in the office of the city clerk, the common council is authorized to cause such improvements to be made and completed, and the amount of every award of damages so made and confirmed, as well as other expenses of such improvement, shall be a valid claim against said city, and the payment thereof may be enforced against it by tax; and the court, upon the final confirmation of any such award of damages, may direct that the amount thereof, when collected, be paid to or deposited in some specified bank of the city of Corning to the credit of the persons entitled thereto, and such payment or deposit shall discharge the liability of said city therefor.

Compensation of commissioners; costs and expenses, auditing of.

§ 107. The commissioners appointed as aforesaid shall be allowed three dollars each for every day actually and necessarily employed in and about their duties, and such compensation and the charges of the surveyors and other necessary costs and expenses, which charges, costs and expenses, shall be audited and the amount thereof fixed and determined by the common council, shall be considered a part of the expense of such improvement and shall be assessed and taxed with the damages hereinbefore mentioned. A warrant shall be issued for the collection of such tax and the same shall be collected in the manner and with the fees prescribed in this act for the collection of city taxes.

Acquisition of land by condemnation.

§ 108. The said board of public works, subject to the approval of the common council, may, if it so elect, proceed to acquire and condemn lands for the purposes mentioned in this title, as provided by the condemnation law, instead of the method prescribed in this title.

Cleaning streets, expense of.

§ 109. All cleaning and repairing of streets shall be done at the expense of the city at large, except as herein otherwise provided.

Paving and macadamizing streets.

§ 110. Subject to the restrictions in this title contained, the board of public works, with the consent and approval of the common council, shall have power to cause any street, alley, lane, highway, or public ground, or any part or parts thereof, in said city to be paved or macadamized, and, if necessary, to be properly graded for the purpose of paving or macadamizing the same. Such paving or macadamizing and grading shall be done by or under the direction of the board of public works, and pursuant to its plans. The expense of all such paving or macadamizing, or grading or paving or macadamizing of public grounds shall be

Expense to be paid by special tax.

paid by special tax upon the city at large and collected in the manner, as nearly as may be, and with the fees prescribed in this act for the collection of general city taxes. The expense of all such paving or macadamizing, or grading and paving and macadamizing of streets and other ways and places shall be defrayed by special tax upon the real estate adjacent and contiguous to that part of the street graded and paved or macadamized, and upon the owners thereof, according to the number of feet of such real estate owned by each person, except that the city at large shall be taxed for and shall pay the expense of paving or macadamizing the crossing of streets and other ways, and except that the city at large may be taxed for and pay not exceeding one-third of the cost or expense of any such grading or paving or macadamizing, and the common council of such city shall have power to raise by tax an amount equal to one-third of the cost or expense of such grading or paving or macadamizing for the purpose of paying such one-third of such amount, provided the same shall have been voted by a majority of taxpayers of said city entitled to vote and voting on a proposition to raise the same; at an annual or special meeting called for that purpose, and except that every street railway now or hereafter operated in said city shall be taxed for and shall pay the expense of paving or macadamizing, or grading and paving and macadamizing that portion of every street or other way paved or macadamized, covered by its road and a space of two feet in width outside of and adjoining its track on either side; and no part of the expense of paving or macadamizing, or grading and paving or macadamizing any street or other way, or part of a street or other way, shall be taxed upon any lands not adjacent and contiguous to that part of the street or other way paved or macadamized, or graded and paved or macadamized, except as herein otherwise provided.

Street railways to pay expense of paving portions of streets occupied by their roads.

§ 111. When the board of public works shall have caused any street or other way, or part of a street or other way, to be paved or macadamized, or graded and paved or macadamized, the assessors, upon being notified by the common council so to do, shall proceed forthwith to make a special assessment and certificate, entering therein the names of all owners of lands adjacent and contiguous to that part of the street or other way paved or macadamized, or graded and paved or macadamized, and the name of every street railway operated on such street or other way,

Special assessments for paving streets, how made.

designating therein the parcels of such lands owned by nonresidents, according to their best knowledge and information. They shall make a just and equitable assessment of the expense of such paving or macadamizing, or grading or paving or macadamizing against such lands and owners, and against such street railway, if any, operated on such street or other way, assessing upon the several parcels of real estate adjacent and contiguous to that part of the street or other way paved or macadamized, or graded and paved or macadamized, and upon the respective owners thereof, such portion of such expense as shall be proportionate to the number of feet of such real estate owned by each person, and upon such street railway the portion of expense hereinbefore mentioned, and shall enter in such certificate a brief but careful description of each parcel assessed and the sum assessed upon

Review and
correction
of assess-
ments.

it. When such certificate is completed they shall fix time and place of meeting to correct the same and shall give notice of such meeting, stating where such certificate can in the meantime be seen and examined, by publishing such notice at least once in two newspapers of said city. At the time and place so appointed, said assessors shall meet and hear all persons appearing before them who shall feel that they are aggrieved by said assessment, and after such hearing shall make such corrections, if any, in such certificate as will, in their judgment, render such assessment more just and equitable. When said certificate shall be thus corrected, or when said assessors, after such hearing, shall have determined that it needs no correction, they shall deliver the same and a duplicate thereof, both of which shall be signed by a majority of all of them, to the city clerk within ten days after their first meeting to make the assessment, but such time may be extended by the common council. Any person conceiving himself aggrieved by said assessment shall have the right to be heard in relation thereto before the common council at its first regular meeting after delivery of the certificate as aforesaid, and at its second regular meeting after such delivery the common council shall either confirm or annul such assessment. If it confirm the same, any person who shall conceive himself aggrieved thereby may appeal to the county judge of Steuben county, within the time and in the manner as nearly as may be, provided by law for appeals from determinations of commissioners of highways in laying out roads, but if it annul the same, all proceedings of the

Aggrieved
persons
may be
heard be-
fore com-
mon coun-
cil; appeals
to county
judge.

assessors in relation thereto shall be void and new proceedings may be taken in the matter in the manner provided in this section. If the assessors, or any or either of them, be interested in property liable to be affected by such assessment, or be from any cause incapable of acting, the common council may appoint in the place of each assessor thus disqualified a disinterested freeholder of said city, residing therein, to perform the duties of such assessor in making such assessment, and every such freeholder before entering upon the performance of such duties shall take and subscribe an oath to make an assessment faithfully, honestly and impartially, according to his best judgment. When any such assessment shall be finally confirmed by the common council or other competent tribunal the duplicate certificates thereof hereinbefore mentioned shall be thereupon filed with the clerk and shall both be deemed originals, to one of which shall be annexed a warrant for the collection of said taxes, and to the other a copy of said warrant with a receipt of the chamberlain for such certificate and warrant. The compensation of such assessors and freeholders for their services under this section shall be fixed by the common council and by it added to and made a part of said assessment, and the whole amount assessed shall be collected in the manner and with the fees prescribed in this act for the collection of general city taxes.

Disinterested freeholder may act as assessor.

Filing duplicate assessment rolls with city clerk.

Compensation of assessors.

§ 112. When the grade of the street or other way has been established by the common council or board of public works, and the street or other way graded accordingly, the grade thereof shall not be changed, except upon petition of the resident owners of more than one-half of the lineal feet of real estate adjacent and contiguous to that part of the street or other way to be regraded, nor unless compensation be made to persons damaged by the regrading, such compensation to be determined by agreement or by three commissioners to be appointed by the county court of Steuben county, or by the supreme court, and who shall take the oath required of commissioners in section seventy-seven of this title, and view the premises and take all legal evidence. Said commissioners shall make a report of their proceedings to the court by which they were appointed, which may confirm such report or may set it aside and appoint new commissioners, whose award shall, if confirmed by said court, be final. Said court shall have general jurisdiction of the proceedings and the same shall

Change of grade, proceedings for.

proceed in accordance with the rules and practices of such court, and when any such award shall be confirmed by the court, the amount thereof shall be a valid liability against such owners of real estate adjacent and contiguous to that part of the street or other way regraded, and may be enforced against them in the manner in this section provided for enforcing collection of the expense of paving or grading for the purpose of paving.

Street not to be paved except upon petition of adjacent property owners.

§ 113. No street shall be paved or macadamized by said city unless the resident owners of more than one-half of the lineal feet of real estate owned by residents of said city adjacent and contiguous to that part of the street proposed to be paved or macadamized, petition the common council therefor; and such paving or macadamizing shall be ordered only by concurring vote of two-thirds of all the members of the common council in office, except that in the case of any street or section of a street in said city where the land on both sides of such street or section of a street are* owned by nonresidents of said city, the petition for or consent of such nonresident owners for the macadamizing or paving of such street or section of a street shall not be required; and the board of public works, subject to the approval of the common council, are hereby authorized to cause such street or section of a street (the lands on both sides of which are owned by nonresidents of said city) to be paved or macadamized, provided that not less than ten resident taxpayers of said city petition to the common council therefor.

Assessment shall be a lien on real estate.

§ 114. Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed from the time of filing the certificate of assessment with the city chamberlain and for ten years thereafter unless sooner paid, and the same may be collected as prescribed in title five of this act.

Appointment of guardians for incompetent persons.

§ 115. Whenever an infant or other incompetent person shall be interested in real estate affected by an improvement provided for by this title, the county court of Steuben county, or the supreme court, shall have power to appoint a guardian in the name of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment may direct.

* So in original.

§ 116. The county court of Steuben county shall be always open for the transaction of any business or the making of any motion contemplated by this title of this act.

§ 117. The common council, at the time it shall confirm any assessment made under the provisions of section one hundred and eleven of this title, may provide that the owners of any real estate against which a tax is thereby assessed, may have the privilege of paying the same in such equal annual installments, not exceeding ten, as it may prescribe, upon filing with the city clerk within ten days thereafter their election and agreement to pay the same in that manner with interest thereon payable annually. Every assessment to which such agreement shall be filed shall be collected by such installments, with annual interest thereon, in the manner in this title provided and every installment with accrued interest shall be a lien upon the real estate against which the same was assessed, as provided in section one hundred and fourteen of this title. For the purpose of anticipating the payment of such installments, the common council may issue bonds of the city for such part thereof, payable at such respective times, not exceeding ten years, with interest not exceeding six per centum per annum, as it may deem advisable. Said bonds shall be signed by the mayor and chamberlain and sold for cash at not less than par, to the highest bidder, and the funds derived from the collection of said installments as they become due shall be applied to the liquidation of said bonds.

Payment of assessments by installments.

Collection of assessments.

City may issue bonds to anticipate payment of installments.

§ 118. The common council is hereby authorized and empowered at any time upon any paved or unpaved street upon which improvement is contemplated, to compel the residents of any such streets and the property owners whose lots front or abut thereon, to lay house connecting drains, gas and water pipes in the manner they shall provide, from the line of curbing in front of their property on any street to the sewer, gas and water mains or pipes or either connecting them therewith, and said common council may pass ordinances therefor. Whenever the residents or owners of said property fail to comply with the regulations or ordinances of the common council passed pursuant to the authority hereby conferred, the same may be done by the board of public works at the expense of such owners. Such expense shall be assessed upon the real property so connected and added

City may compel lot owners to lay drains, gas and water pipes.

as a separate item to the assessment for local improvement and collected by distress and sale as hereinafter provided.

TITLE X.

Board of public works.

Members of
board;
meetings.

§ 119. The three commissioners of public works appointed as hereinbefore prescribed, together with the mayor of the city of Corning, shall constitute the board of public works of said city. The mayor shall ex officio be president of said board but shall have no vote therein. The board shall have regular times and places of meeting not less than twice in each calendar month, and such session shall be public.

Commis-
sioners to
take oath
of office
and give
bond for
faithful
discharge
of their
duties.

§ 120. Each of the persons appointed commissioners of public works in the city of Corning shall serve without compensation, and before entering upon the duties of his office shall take and subscribe the oath of office prescribed by the constitution of the state and file the same in the office of the clerk of the city of Corning, and shall make his bond to the city of Corning in such amount as the common council of said city shall, by resolution, prescribe, not less than five thousand dollars, with sufficient surety or sureties, conditioned upon the faithful discharge of his duties as such commissioner. Said bonds shall be approved by the common council of the said city and filed in the office of the clerk of the city. Any commissioner may be removed from office, for cause, by the common council of the city by a two-thirds vote thereof, upon charges preferred in writing and served upon the commissioner against whom the same are preferred, and after reasonable opportunity to be heard on his own behalf.

Removal of
commis-
sioners for
cause.

Treasurer
of board,
duties of.

§ 121. The city chamberlain of the city of Corning shall be ex officio treasurer of the board of public works. He shall perform such duties as treasurer as may be directed by the board of public works. The bond given by the city chamberlain, pursuant to the provisions of section twenty of this act shall apply to his duties as treasurer of the board of public works, and the condition of the said bond shall be broken and violated if the city chamberlain, as treasurer of the board of public works, shall not faithfully discharge the duties of that office and account for and pay over all moneys which shall come into his hands as treasurer of said board of public works, and the city may sue

and recover on said bond. A meeting of a majority of the members of the board of public works shall be necessary for the transaction of business, though a meeting of less than the majority shall have authority to create a legal adjournment. Quorum.

§ 122. The commissioners of public works in said city shall be commissioners of highways in and for said city, and shall have all the powers of commissioners of highways in towns, subject to the provisions of this act. Commissioners of highways, powers of.

§ 123. The board of public works shall appoint a superintendent of public works who shall receive a salary to be determined by the board of public works, not to exceed the sum of fifteen hundred dollars per annum. The superintendent of public works may be removed from office at any time by the board of public works. The superintendent of public works shall be an officer of the board of public works and not a city officer. He shall do such engineering work and perform such other duties as may be directed by the board of public works. The board of public works shall have power to appoint a secretary at a salary not to exceed two hundred and fifty dollars per year and subject to the provisions of law, to hire and discharge such and so many employees and laborers as may be necessary to carry out the purposes of the board. Superintendent of public works, compensation and duties of.
Secretary, salary of.

§ 124. The board of public works shall have general charge of the streets, alleys, highways, parks and public places of the city. They shall construct, maintain and repair the same and shall see that the ordinances of the common council and rules of the board of health in relation thereto are observed. It shall be the duty of the owner of any lot or piece of land within the city limits to make, remake and keep in good repair a sidewalk adjoining his lot or piece of land upon all streets heretofore specified by the board of trustees of the village of Corning or the common council of the city of Corning, as streets or places upon which sidewalks shall be built, and all other streets or places which shall hereafter be specified, and also the duty of any owner or occupant to remove or clean away dirt, snow, ice or other obstruction from such sidewalks adjoining his property, and in the event of his failure to do so, the board of public works may cause the same to be done at the expense of such owner or occupant, and to collect such expense as herein provided. The board of public works shall specify, from time to time, what streets Duties of board.
Duties of lot owners.
Removal of snow, ice and dirt from sidewalks.
Improvement of streets and sidewalks.

and sidewalks shall be built and maintained and in what manner and of what materials the same shall be constructed. The board of public works shall have power to have sidewalks constructed, made, paved, flagged, curbed, guttered, repaved, reset, amended or repaired by the owners of the lands adjoining such sidewalks or proposed sidewalk, and to require any such improvement, act or thing to be made or done in such manner at such times and of such material as it may prescribe and direct, and the board of public works may, at any time, instead of making such requirements of the owner, cause such improvements, act or thing to be made or done at an expense not exceeding the regular or usual prices of labor and material for such purposes. All sidewalk construction shall conform to the grades established before such construction is begun, and shall follow the plans adopted by the board of public works. All filling or cutting to make such grades conform shall be done at the expense of the city at large, under the direction of the board of public works. Whenever the board of public works shall have obtained knowledge of defective condition of any sidewalk it shall have power to construct such sidewalk when the owner shall neglect to build or repair the same for five days after written notice so to do has been served on him personally, or at his residence, if his residence be known and he live in the city, or otherwise by being left on the premises, and no ordinance for the same need be passed or notice posted or published. The board of public works shall also have power to clean any sidewalk from snow, ice or other obstruction where the same shall have remained for six hours. The board of public works shall collect the expense of such cleaning, building, rebuilding or repairing under the provisions of this section from either the owner or occupant of the property and shall send such owner or occupant, if his address be known, a bill for the amount thereof. If such expense is not paid, the superintendent of public works shall make his affidavit showing in detail the actual cost thereof, and the property in front of which the work, building, rebuilding, repairing or cleaning was done, and file the same with the city chamberlain, and said city chamberlain shall add the amount of such expense with interest at the rate of fifteen per centum per annum, from the time such affidavit was filed, to the amount assessed against such lands for the next general city tax, and the whole amount

Filling
and cutting
to conform
grades to
be done at
expense of
city.

Cleaning
sidewalks,
collection
of expense
of.

of such assessment shall be collected as provided in reference to general city taxes. The board of public works shall have power to construct, or cause to be constructed, any curb or gutter, and repair, relay or reset any such curb or gutter.

Curbs and gutters, construction of.

§ 125. All paving, macadamizing and grading of streets alleys, lanes, highways or public grounds, or any part or parts thereof, in the city of Corning, which shall have been directed and authorized pursuant to the provisions of title eight of this act, and all public work, improvements, repairs, construction or reconstruction which shall have been duly authorized and directed according to the provisions of this act or by the common council, pursuant to the provisions thereof, except work pertaining to the boards of education of school districts numbers nine and thirteen, the police department, the fire department and the board of health of said city, shall be done under the exclusive direction and management of the board of public works, and pursuant to the plans made or obtained by said board.

Work to be performed under direction of board.

§ 126. The public park, known as block sixty-six in the city of Corning, and all other parks or places in said city shall be under the exclusive control and management of the board of public works. They shall have the control, custody and direction of the expenditure of all funds contributed, or which may be appropriated for the grading, laying out, improving and management of said park or parks. Personal property may be donated, given or bequeathed to the city for the purpose of the improvement or ornamentation of the said park or parks and the approaches thereto, upon such trusts and conditions as may be prescribed and approved by the board of public works, and all property so donated given or bequeathed shall be subject to the exclusive management, direction and control of the board of public works. The board of public works in their annual report to the common council shall make a separate detailed statement of all moneys expended by it in the care and maintenance of the public parks and a separate detailed estimate of the amount which the board considers will be required for such care and maintenance during the ensuing year. The park commissioners of the city of Corning holding their office under and by virtue of the provisions of chapter ninety-nine of the laws of eighteen hundred and eighty-four, entitled "An act in relation to the

Public parks, control of.

Statement of moneys expended for care of parks.

Transfer of property and records to board of public works.

public park of the village of Corning," shall when and as soon as this act takes effect, transfer and deliver to the board of public works all papers, documents, books of account or other papers relating to the public park or parks, and all moneys or other property in their hands or custody or control as such park commissioners. The office of the park commissioner and the park commission of the city of Corning, created by the provisions of said chapter ninety-nine of the laws of eighteen hundred and eighty-four shall be abolished when and as soon as the transfer and delivery provided for under this section shall have been made.

Office of
park com-
missioner
abolished.

Gas, water
and sewer
pipes, lay-
ing and
regulation
of, by
board.

§ 127. The board of public works shall have power to regulate the laying, location and construction of all gas, water, sewer and other pipes in said city, public or private, and to fix the grade at which said pipes shall be laid; and to compel the laying or relaying of same under the supervision of or by the said board, in accordance with such grade and plans as said board shall establish; to require any individual, corporation or company, after laying, relaying or repairing such pipes in any street, alley or highway in said city to put such street, alley or highway in good condition and repair, and to remove, without unnecessary delay, all incumbrances or obstructions which such individual, corporation or company have placed, or caused to be placed in such street, alley or highway; to require such individual, corporation or company to keep proper signal lights burning at night at all holes, ditches and places which shall have been rendered dangerous to persons traveling such streets, alleys or highways, and in case such individual, corporation or company shall neglect or refuse to do any of the acts required of him or it by this subdivision, after being notified to do the same, said board of public works shall cause the same to be done at the expense of such individual, corporation or company and to collect from him or it such expense as herein-after provided.

Sewers,
construction
and man-
agement of,
regulations
for.

§ 128. The board of public works shall have the exclusive control and management of the sewers or systems of sewers in the streets, and alleys and public places of the city, and shall have the maintenance and management thereof. They shall have exclusive power to adopt plans for the construction of new sewers in the city of Corning and for the repair of the old sewers. They shall make by-laws and regulations for the protection, use and operation of the sewer system of the city and the several parts

thereof, and shall provide penalties for the violation of such by-laws, rules and regulations, and shall prosecute for such violations in the name of the city of Corning, and shall retain all penalties collected for such violations. The sewer commissioners of the city of Corning, holding their office under and by virtue of the provisions of chapter ninety-four of the laws of eighteen hundred and eighty-six, entitled "An act to provide for the construction and maintenance of a system of sewers in the village of Corning, New York," shall, when and as soon as this act takes effect, transfer and deliver to the board of public works all papers, documents, books of account, plans, surveys or other papers relating to the sewers and sewer system of the city, and all moneys or other property or funds in their hands, custody or control as such sewer commissioners. The office of the sewer commissioner and the sewer commission of the city of Corning, created by the provisions of said chapter ninety-four of the laws of eighteen hundred and eighty-six, shall be abolished when and as soon as the transfer and delivery provided for under this section shall have been made.

Sewer commissioners to transfer property and records to board of public works.

Office of sewer commissioner abolished.

§ 129. The board of public works shall have exclusive control and management of the dykes and dyking system of said city along and upon the lands adjoining the Chemung river and its tributaries. They shall adopt and carry out such measures as in their opinion may be most feasible for controlling the waters of said river and its tributaries, so as to protect and conserve the public health and prevent the deposit of filthy and dangerous substances on the lands in said city, and prevent loss, injury or damage to property situated within said city, and shall make such changes in the course or channel of said river or its tributaries, by deepening, enlarging, altering widening or contracting the same, and shall remove islands and bars of obstruction therefrom, and shall construct and maintain all banks, dykes, works, structures and appurtenances along and upon the lands adjoining said river and its tributaries, or elsewhere, as may, in their opinion, be proper and necessary to hold, confine, restrain and control the waters of said river in times of flood or freshet, and to prevent the overflowing of such waters over, upon or into the lands and property in said city. The board of public works may enter by its engineers, employees or servants upon any land, water or premises, for the purpose of making surveys and examinations,

Dykes, control and supervision of.

Acquisition of land for use of city.

to contract for purchase and take by deed or other instrument, for and in the name of the city of Corning, all real property, lands, rights and privileges, which may be required for the purposes contemplated in this section, and if for any reason, the same cannot be acquired by purchase, to acquire the same by condemnation for the public use aforesaid, pursuant to the existing laws, and in case the channel of said river or its tributaries is changed, to acquire for and in the name of the city of Corning the lands now occupied by such channel and the lands lying between any new channel and the present channel. The operations carried on pursuant to the provisions of this section shall be confined to the corporate limits of the city of Corning and not exceeding one mile beyond such corporate limits. The river commissioners of the city of Corning, holding their office under and by virtue of the provisions of chapter four hundred and twenty-six of the laws of eighteen hundred and ninety-two, entitled "An act to provide for the preservation of the public health and the protection of persons and property from the waters of the Chemung river and its tributaries within the corporate limits of the city of Corning, and to control and restrain such waters, and to provide the means to secure such protection and restraint," and the provisions of an act amending the foregoing act, being chapter five hundred and sixty-six of the laws of eighteen hundred and ninety-three, shall when and as soon as this act takes effect, transfer and deliver to the board of public works all papers, documents, books of account, plans or other papers relating to the waters of the Chemung river and its tributaries, the dykes and dyking system of the city, and all money and other property or funds in their hands, custody or control as such river commissioners. The office of river commissioners and the board of river commission of the city of Corning, created by the provisions of said chapter four hundred and twenty-six of the laws of eighteen* hundred and ninety-two and said chapter five hundred and sixty-six of the laws of eighteen hundred ninety-three shall be abolished when and as soon as the transfer and delivery provided for under this section shall have been made.

§ 130. The paving or macadamizing and grading of streets, highways and public places of the city, and all public work improvements, construction or repairs, done under the management

Limitation
of opera-
tions.

Transfer of
property
and records
of river
commis-
sioners to
board of
public
works.

Office of
river com-
missioner
abolished.

Paving and
grading of
streets to
be done by
contract.

*So in original.

of the board of public works, where the amount to be expended shall exceed the sum of one hundred dollars, shall be done by contract, unless the board of public works shall deem it for the best interest of the city that the work shall be done by the board itself. All such contracts shall be executed by the board of public works, by its president in the name and in behalf of the city of Corning. The board of public works may, if it deems best, advertise for bidders for any public work, and in such case, the work shall be given by contract to the lowest responsible bidder for the same, unless the board of public works shall deem it for the best interest of the city to reject all bids made. No bid shall be accepted by the board of public works unless accompanied with a bond to the city of Corning in such penalty and with such sureties as the board of public works shall approve, conditioned that the bidder will accept and execute a written contract and specifications for the doing of such work, and for the full performance thereof in accordance with such contract and specifications in case it shall be awarded to him, which sureties shall justify in an amount equal to the penalty of the bond. Said bond shall be so given after proper specifications shall have been made and filed in the office of the board of public works, and after notice of such letting has been published at least once in two newspapers. The notice need not contain the specifications but may refer to them on file.

Execution of contracts.

Advertising for bids.

Successful bidder shall give bond.

§ 131. It shall be the duty of the board as provided in section forty-seven of this act to make and submit to the common council a written estimate of the expenses of said board for the ensuing year, as follows:

Estimate of expenses, submission of, to common council.

1. For cleaning the streets of the city.
2. For ordinary repairs of the streets, sidewalks and crosswalks of the city.
3. For the portion of the expense of paving, macadamizing, grading or curbing, or any other new work which should be borne by the city at large.
4. For the maintenance and care of the bridges or the building of new bridges.
5. For the maintenance, ornamentation and improvement of the public parks of the city.
6. For the care and ordinary repairs of sewers of the city.
7. For building new sewers.

8. For the purchase or repair of machinery, implements and utensils for the use of the board.

9. For other expenses of said board not above specifically mentioned.

Modification
of esti-
mates.

The common council shall have power to modify or ratify said estimates as herein provided, and the said board shall not have the right to expend any greater sum for each purpose specified than is authorized by the common council.

TITLE XI.

Fire department.

Board of
fire com-
missioners,
members of.

Section 132. There shall be a board of fire commissioners in and for the city of Corning, to consist of three commissioners, of which the mayor of said city shall always be one, ex officio, and the other two shall always consist of persons who shall at the time of their appointment be legally qualified electors eligible to vote for city officers at any election held in said city, and freeholders in said city. The mayor shall be, ex officio, president, and shall preside at all meetings when present, but in case of his absence, the said board shall have power to choose one of their number to preside.

Terms of
commis-
sioners.

§ 133. The term of office of every fire commissioner appointed pursuant to the provisions of this act shall be two years from the first day of January, next after his appointment, except that the term of office of the two first appointed as provided in the next section shall be as therein specified, and except that when such appointment shall have been made to fill a vacancy occurring before the expiration of any term, it shall be for the residue only of such unexpired term. Any member of said board, except the mayor, may at any time, be removed from office by vote of two-thirds of the members of the common council of the city of Corning, for charges preferred, after giving such member a reasonable opportunity to be heard in his defense. The reasons for such removal shall be specially entered with the names of the members voting therefor, in the minutes of the proceedings of the said common council.

Removal of
commis-
sioners.

Appoint-
ment of
commis-
sioners.

§ 134. After the passage of this act and on or before the first day of May, nineteen hundred and five, the mayor shall, subject to confirmation of each such appointment by the concurring vote

of a majority of the common council, appoint two fire commissioners of said city who shall take office on the first day of May, nineteen hundred and five. The terms of office of the fire commissioners appointed as in this section above provided shall be: One whose term of office shall expire on the last day of December, nineteen hundred and six, and one whose term of office shall expire on the last day of December, nineteen hundred and seven, and the respective terms shall be designated by the mayor in his appointment. In every year thereafter, there shall be appointed by the mayor, subject to the confirmation of each such appointment by the concurring vote of a majority of the common council as aforesaid, exclusive of mayor, one fire commissioner who shall succeed in office the fire commissioner whose term next expires. In case of death, removal from the city or removal or resignation from office of any fire commissioner before the expiration of his term, the mayor shall have power to fill the vacancy, subject to the confirmation of the common council as above provided, for the residue of the unexpired term. The city clerk shall serve written notice of the appointment as prescribed in the case of elective officers, upon each person appointed, pursuant to this section. Every such person within ten days after the receipt of such notice shall take and file with the city clerk the oath prescribed by law, and in case such person shall have been appointed to fill the vacancy, he shall immediately upon filing such oath, enter upon the duties of his office, and in all other cases, on the first day of January next after his appointment. Appointments shall be so made that the two commissioners in office at all times shall be members or adherents, one each of the two political parties which at the last preceding election cast the greatest number of votes for their respective candidates for city offices.

Filling
vacancies.

Notice of
appoint-
ment.

Board to be
bi-partisan.

§ 135. None of the commissioners appointed under this act shall receive any compensation for their services as such commissioners, nor be interested directly or indirectly in any contract for work done for, or supplies furnished to, the board or to the fire department, but shall be allowed all reasonable expenses incurred by them under the direction of the board in the discharge of their duties; no material for any improvement or repairs, and no supplies shall be furnished for any place of business conducted by any fire commissioner or by any concern in which he is a partner,

Commis-
sioners not
to be inter-
ested in
contracts.

or by any employee of his place of business; and no debt or claim incurred or arising contrary to these provisions shall be valid against the city of Corning.

Powers and
duties of
fire com-
missioners.

§ 136. The said board of fire commissioners shall have, exercise and be charged with the following general powers and duties to wit:

1. The care, custody and control of all property, real and personal, now belonging to the fire department in said city, or which may hereafter be acquired for said department including the fire alarm apparatus.

2. The admission, rejection, suspension, removal and discipline of persons, members, officers and employees in said department, except as herein otherwise prescribed.

3. The control and regulation of fires and methods for extinguishing the same.

4. The appointment of such officers as are herein authorized and also all persons to take charge of the apparatus and property used for the extinguishment of fires, of the buildings under control of the department, and the fixing of their compensation, except as herein otherwise prescribed.

5. The organization and disbandment of fire companies.

6. The prescribing of the powers and duties of the officers, members and employees of said department.

7. The adoption and enforcement of rules and regulations for the government of the board, and the conduct of its employees and of the members of the department; and such other powers and duties not inconsistent with the provisions of this act as are incident to the said board, and as may secure the efficiency of said department.

8. To regulate the use of lights in stables and other buildings in which combustible materials may be collected or deposited, and prescribe the use of lanterns and safety lamps in such stables or other buildings.

9. To authorize any building to be razed in case of an extensive fire or conflagration in said city, if deemed by it necessary in order to prevent the spreading of such fire or conflagration, and the city shall be liable for the value of such building and shall make compensation therefor.

Clerk of
board.

§ 137. The said board of commissioners shall have power by and with the consent of the common council of said city to ap-

point a clerk of said board and fix his compensation. Such clerk shall serve during the pleasure of the board and whenever there shall be a vacancy in such clerkship, the said board shall, in like manner, have power to fill the same. The board shall also appoint a competent person who shall be the superintendent of the fire alarm apparatus in said city, and fix his compensation, subject to the approval of the common council. A majority of said board shall, at any meeting thereof, constitute a quorum for the transaction of business.

Superintendent of fire alarm apparatus, compensation of.

§ 138. The said board of fire commissioners shall nominate and appoint, subject to the approval of the common council, a chief engineer of the fire department who shall be subject to removal at any time by said board on proof of charges preferred to or by them, in writing, of incompetency, illegal, corrupt or otherwise improper conduct, of which he has had notice and after he has had an opportunity to be heard in his defense, or by the unanimous vote of the board, and said board shall in like manner fill any vacancy which shall occur by reason of death, removal or resignation of said chief engineer or his successor in office, subject to the approval of said council. The said board shall also fix the salary of said chief-engineer, subject to the approval of the said common council, and may in like manner designate the special duties to be performed by said chief engineer.

Chief engineer, appointment, removal and salary of.

§ 139. The volunteer firemen of the city of Corning, actively engaged in the said fire department shall on the second Tuesday in April, nineteen hundred and five, and on the second Tuesday in December, annually thereafter, nominate and elect, subject to the approval of said board, two assistant chief engineers of the said fire department. The said board shall also fix the salary of said assistants subject to the approval of the common council.

Assistant chief engineers, election and salary of.

§ 140. The said clerk and chief engineer shall as often as once in every six months ascertain what improvements, repairs, feed, apparatus and supplies are needed or may reasonably be expected to be required for the use of the said board and department, and shall make out a detailed statement thereof, which they shall present to the board, and if the board shall deem it necessary to purchase the same, or any part thereof, it shall call for proposals for making and furnish* the same by advertising in at least

Improvements, repairs and supplies, how furnished.

*So in original.

two of the daily newspapers of said city for such length of time as the board shall deem proper. It shall receive bids therefor, which must be inclosed in sealed envelopes and which shall be opened only at a public session of the board. All awards shall be made at such sessions and to the lowest responsible bidder or bidders, unless in the judgment of the board the bid or bids shall be deemed disadvantageous to the city, in which event the board may reject the same. The said board is authorized to enter into contracts for the making and furnishing of said improvements, repairs, feed, et cetera. If, from any cause, it shall become necessary to procure or order any supplies, apparatus, or repairs other than those contracted for as above provided, and the expense of which at any one time, in the case of supplies, shall not exceed twenty-five dollars, and in the case of repairs and apparatus shall not exceed fifty dollars, it shall be only on a written order of a member of the board who has authority to act in the matter. It shall be countersigned by the clerk, a copy of which must be kept by the clerk in his office; and no claims for any such supplies or repairs so furnished or made shall be audited by the board, unless the same shall be accompanied with such order.

§ 141. The common council shall have the power and they are hereby authorized to sell and dispose of any lands with the buildings thereon or any other property now belonging to said city of Corning or to the Corning fire department of said city of Corning that is now used by said city fire department thereof for fire department purposes at such time or times after the passage of this act and for such price or prices, and upon such terms as to said common council shall seem reasonable, and to that end and for that purpose the mayor of said city is hereby authorized for and in the name of said city to execute and deliver any deed or conveyance of such lands with the buildings thereon upon or under a resolution therefor duly passed by the common council of said city. The proceeds of such sale or sales shall be paid to the city chamberlain of said city and shall be expended under the direction of said common council in the purchase of other lands and real estate for the erection of buildings thereon, to be used for fire department purposes, and for the equipment of a fire department, herein and hereby created, to the extent of such proceeds as said common council shall determine.

Sale of
lands be-
longing to
city and
used by fire
department.

Proceeds of
sale, dispo-
sition of.

§ 142. The expense of maintaining the fire department in said city shall be annually raised by a tax upon the real and personal property liable to taxation in said city. The said board shall be guided in all contracts made and liabilities incurred by the several sums which shall be approved and allowed to the said board by the said common council, and shall create no debts and incur no liabilities which shall be in excess of the said several sums allowed by said common council for the different purposes therein mentioned.

Maintenance of fire department; debts and liabilities not to exceed sums allowed.

§ 143. The title to all of the property, buildings and lots used by or in connection with the said fire department shall be vested in the city of Corning. The board may, upon the approval of the said council, from time to time, sell and dispose of such personal property as it shall not need, and shall account for the proceeds to the common council.

Title of property to vest in city.

§ 144. All claims against the fire department shall be audited only in a public meeting of the board and drafts therefor shall be drawn on the chamberlain of said city and signed by two of such commissioners and by the clerk and shall be paid by such chamberlain from funds provided for use of the commissioners as herein provided in the same manner as upon order drawn by the mayor and the clerk of said city.

Claims, auditing of.

§ 145. No persons who are now serving as fireman* in said city shall be deprived of any exemption or privilege to which they have become entitled by reason of such service, by any act of the board of fire commissioners, except for good and sufficient cause. All persons who shall serve as firemen for the period prescribed by law shall, at the expiration of such period, receive from the said clerk a certificate of such service which shall entitle them to a certificate of such service from the city clerk of said city, and thereupon such person shall possess and have all the privileges and immunities resulting from such service which are now enjoyed under the laws of this state by exempt firemen of said city.

Firemen not to be deprived of exemption or privilege.

Certificate of service.

§ 146. The said board shall have power to administer oaths and to issue subpoenas compelling attendance of witnesses in all cases of investigation which shall be carried on by said board.

Administering oaths and compelling attendance of witnesses.

§ 147. The board, shall in the month of March in each year, make out and present to the common council of said city in printed form a report stating in detail the receipt and expendi-

Annual report of board, contents of.

*So in original.

tures of the board and on what accounts such expenditures were made; the amount and kind of property in the different buildings under charge of the board, the number and names of the officers, employees and firemen in the department, their respective positions and the compensation paid to them; the number of fires and fire alarms occurring in said city during the previous year; the causes of such fires, the losses incurred thereby and setting forth such other information and such recommendation as the board shall deem proper and important, or as the common council shall request.

§ 148. The commissioners, officers, members and employees of the fire department, including the fire marshals herein provided for, are not officers or agents of the municipal corporation known as the city of Corning for whose acts or omissions the said corporation shall be held liable in a civil action for injuries to person or property.

§ 149. It shall be the duty of said board within ninety days after its organization to fix and define the limits and boundaries in the city of Corning within which all buildings and structures of every name and description shall hereafter be built and constructed of brick, stone or iron, or partly of all said materials, and the roof be covered with slate, tile, tin, gravel or other safe material against fire; such limits or boundaries, when so made and defined shall be published at length by said fire commissioners in at least two of the daily newspapers in said city for a period not less than one week, as said board of fire commissioners shall deem proper. After the said limits or boundaries shall have been established as provided in this section, it shall not be lawful for any person, firm, corporation or association to build or erect, within such fire limits, any building or structure whatever, unless the same shall be built or constructed of brick, stone or iron, or partly of all said materials, and the roof covered with slate, tile, tin or other safe material against fire. But this section shall not be so construed as to apply to the inside finish of any such building nor structure, nor to prevent the erection of front or rear stoops or stairs of wood not inclosed, nor of a bay window of wood, or privy of wood, one-story high; but no wooden cornice shall be put up unless the same be covered with tin or iron, or other safe materials against fire. Nor shall it be lawful within said fire limits, to make any new addition to any such

City not responsible for acts of officers of fire department.

Limits within which brick, stone, etc., must be used for construction of buildings; publication of fire limits.

building or structure to any building heretofore constructed, without using for such addition the material herein required for the construction of new buildings. Any owner, occupant, builder Penalty. or other person offending against any of the provisions of this section, shall for each and every such violation forfeit and pay the penalty of three hundred dollars, to be recovered in an action brought in the name of and for the benefit of the said city of Corning, in any court having jurisdiction thereof. In any such action when brought in the supreme court the said court, or any justice thereof, or the county judge of Steuben county may grant a temporary injunction and thereby enjoin and restrain such owner, occupant, builder or other person from violating the provisions of this section during the pendency of such action; and on the trial of such action, and in the judgment when no trial has been had, the court shall also have power to perpetually enjoin the defendant or defendants from constructing the said building or structure, so built in violation of any of the provisions of this section, and to order the same to be removed or taken down.

§ 150. The chief engineer and assistant engineers of the said Fire marshals, powers and duties of. fire department shall be, ex officio, fire marshals of the city of Corning, under the direction and control of the board of fire commissioners, and the office of the fire marshals in and for the city of Corning is hereby created. The said fire marshals shall Inspection of buildings. have power and it shall be their duty as often as once in every six months to enter and inspect the several buildings, dwellings and outhouses within the city of Corning at reasonable hours of the day to ascertain whether such dwellings, buildings and outhouses are safe from danger of fire and whether they are provided with sufficient scuttles to their roofs, with proper ladders or stairs leading thereto, and if found to be unsafe or without scuttles and ladders, it shall be the duty of one of said fire marshals to notify in writing the owner or occupant of such dwelling, building or outhouse of the defect and danger complained of; immediately after such notification it shall be the duty of the owner or occupant of such dwelling, building or outhouse to repair the same in such manner as to remove the defect complained of. Any person refusing to allow any such fire marshal Penalty for refusing to permit inspections by fire marshals. to enter and inspect any such dwelling, building or outhouse in the manner aforesaid, or refusing or neglecting to make such repairs after notice given as aforesaid shall, for each and every

Violations
of this and
preceding
section,
report of.

offense, forfeit and pay to the city of Corning the penalty of fifty dollars, to be recovered with costs in an action in any court having jurisdiction. It shall also be the duty of said marshals to report in writing, all violations of the provisions of this and the preceding section, to the city attorney, stating the names of the offending parties, the situation and character of the property in question, the nature of the offense, and such other information as may be necessary to enable him to act in the premises; and said city attorney shall prosecute the offenders in any court having jurisdiction, if they persist in the offense.

Sale of
unclaimed
property
in the
police de-
partment.

§ 151. It shall be the duty of the chief of police in the month of January in each year, to cause to be published once a week for three weeks, in one of the public newspapers printed in said city, a list of all goods, wares and merchandise then remaining unclaimed in the police department, and which has been in its possession for a period of one year, with notice that unless claimed by the owner with satisfactory proof of such ownership before a day therein mentioned the same will be sold at public auction to the highest bidder at a time and place named in said notice. At the time and place named in said notice all such property remaining unclaimed shall be sold at public auction by said chief of police, and the avails thereof, after deducting all expenses of such sale, he shall pay to the city chamberlain.

Issue of
execution
on judg-
ment to
recover fine
or penalty.

§ 152. When judgment shall have been recovered in favor of said city for any fine, penalty or forfeiture, execution thereon may issue against the person as well as against the property of the defendant, in the form prescribed by law for such execution.

§ 153. No person shall be an incompetent judge or juror by reason of his being an inhabitant of said city, or liable to taxation therein, in any action or proceeding in which said city is a party or interested.

Word
"person"
defined.

§ 154. The word person as used in this act shall be construed to include all persons, firms, companies, corporations and associations.

§ 155. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 156. The legislature may at any time alter or repeal this act.

§ 157. This act shall take effect immediately.

Chap. 143.

AN ACT making a reappropriation for the improvement of the canals.

Became a law, April 7, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of ten millions of dollars, being the amount of the appropriation made by section thirteen of chapter one hundred and forty-seven of the laws of nineteen hundred three, to be expended in carrying out the purposes of said act for the improvement of the Erie canal, the Oswego canal and the Champlain canal, is hereby reappropriated from the same funds and for the same purpose as was provided by said act.

§ 2. This act shall take effect immediately.

Chap. 144.

AN ACT to amend chapter eighty-three of the laws of nineteen hundred and five, entitled "An act to provide for an enumeration of the inhabitants of this state, and making an appropriation therefor," in relation to the items of enumeration and the preparation and filing of election district boundaries.

Became a law, April 7, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections three and ten of chapter eighty-three of the laws of nineteen hundred and five, entitled "An act to provide for an enumeration of the inhabitants of this state, and making an appropriation therefor," are hereby amended to read as follows:

§ 3. The county clerk of each county shall, forthwith upon the enactment of this amendment, mail a notice to each member of the town board of every town in the county where a description of the boundaries of which town are not filed in his office, or if such town was divided into election districts on the day of the general election held in the state in November, nineteen hundred and four, a description of the boundaries of the election districts of

Notice of meeting of town boards to prepare descriptions of election districts.

which town are not filed in his office, requiring him to attend a meeting of the town board of such town at the office of the town clerk at two o'clock in the afternoon on a day to be specified in such notice, which day shall be not less than three nor more than five days after the mailing of such notice, for the purpose of preparing and forwarding to the county clerk a description of such town or of the election districts therein as required by this section. The town board shall, at such meeting, if such town was not divided into election districts on the day of the general election held in the state in November, nineteen hundred and four, prepare a description of the boundaries of such town as they existed on the day of such general election. If such town was on the day of such general election, divided into election districts the town board shall, at such meeting, prepare a description of the boundaries of each election district in the town as the same existed on the day of the general election held in the state in November, nineteen hundred and four. Such description, in addition to the boundaries, shall specify the name of the county, the name of the town, and if divided into election districts, the number of the election districts. The town board shall forthwith file such description in the office of the town clerk. The town clerk shall immediately prepare three copies of such description, certify that each is a copy of the original filed in his office, and forward such copies to the county clerk. The county clerk shall immediately on the receipt thereof file one of such copies in his office and transmit two of such copies to the secretary of state. The expense of the members of the town board in preparing such description, and of the town clerk in preparing and forwarding copies thereof to the county clerk shall be a town charge. If any county clerk or town officer wilfully fails to comply with the provisions of this section, he shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars, or less than fifty dollars. If the boundaries of a town or of the election districts therein as the same existed on the day of the general election held in November, nineteen hundred and four, are filed in the office of a county clerk, but he has not filed copies of the same with the secretary of state, he shall forthwith upon the enactment of this amendment, transmit to the secretary of state two certified copies thereof. The secretary of state shall issue to each enumerator a certificate of appointment under his hand, in

Town board to describe boundaries as they existed November first, 1904.

Description to specify names of county, town and number of election districts.

Number of copies of description.

Expense of preparing description a town charge.

County clerks shall forthwith send descriptions.

which certificate the election or other district or districts assigned to the person so appointed shall be designated. The secretary of state shall transmit with such certificate a description of the boundaries of the election or other districts within which such duties are to be performed by him. Such certificate shall be delivered to the person appointed and shall be evidence of the facts therein contained and of his authority to act under the provisions of this act. Where copies of maps of such election or other districts are obtainable, the secretary of state shall secure two copies of the same, one of which shall be retained by him as a record of his office, and one furnished to the enumerator of such district or districts for his guidance.

Certificates of appointment of enumerators shall be evidence of their authority to act.

Maps.

§ 10. On such day in the month of May or June, nineteen hundred and five, as the secretary of state shall direct, every such enumerator shall proceed to enumerate truly and accurately the inhabitants residing in the election or other district or districts for which he shall have been appointed, together with the facts and statistics required by the population schedule or return, and such other schedules or returns as the secretary of state may determine. It shall be the duty of each enumerator to visit personally each dwelling house in his election or other district and each family therein and each individual living out of a family in any place of abode, and by inquiry made of the head of each family or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this act as of such date in May or June, nineteen hundred and five, as so directed by the secretary of state. And in case no person shall be found at the usual place of abode of such family or individual living out of a family competent to answer the inquiries made in compliance with the requirements of this act, it shall be lawful for the enumerator to obtain the required information from the family or families or person or persons living nearest to such place of abode. Every person whose usual place of abode shall be in any family on such date so prescribed by the secretary of state, shall be returned as of such family; and every inhabitant casually absent at the time of taking the enumeration shall be returned as belonging to that place in which he usually resides. It shall be the duty of each enumerator to complete the enumeration and all his official work and forward

Date of commencement of enumeration.

Enumerator shall visit each dwelling house and family.

Duty of enumerator when family is not at home.

Inhabitants, where returned.

Completion of enumeration, date of.

Enumeration, what to include.

Enumeration in cities or counties having more than one senate district to be taken by blocks.

Enumeration in districts, including incorporated city or village with territory not incorporated.

before July first, nineteen hundred and five, or on such earlier date as the secretary of state may direct, in duplicate by express or as otherwise directed carefully enclosed, so as to protect the returns transmitted, the original schedules or returns, duly certified to the secretary of state, stating the number of pages of which said returns consist. In making such enumeration he shall for the purpose of identification, ascertain and include the sex, age, color, nativity, citizenship or alienage, and the occupation of each inhabitant with their residence by street and number, if any, or if there is no street and number, then such description as shall identify the place of residence as nearly as possible. In any city, in a county having more than one senate district, or which in the opinion of the secretary of state may under a new apportionment be entitled to more than one senate district, the enumeration shall be taken by blocks enclosed by streets or public ways, as well as by street and number. In the event of discrepancies or omissions being discovered in said returns he shall use all diligence in correcting the same. In case the election or other district or districts assigned to any enumerator shall embrace all or any part of any incorporated borough, city or village, and also other territory not included within the limits of such incorporated borough, city or village, or either, it shall be the duty of the enumerator of such election or other district to clearly and plainly distinguish and separate upon the population schedules or returns, the inhabitants of all or any part of such borough, city or village, as may be embraced in the election or other district assigned to such enumerator from the inhabitants of the territory not included therein.

§ 2. This act shall take effect immediately.

Chap. 145.

AN ACT making an appropriation for the New York state reformatory at Elmira.

Became a law, April 7, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation, amount and purpose of.

Section 1. The following sums, or so much thereof as may be necessary, are hereby appropriated for the uses and purposes of

the New York state reformatory at Elmira for restoring the buildings containing bath house, laundry, number one shop, tailor department, shoe department and broom department, repairing hospital and passageway from the main building to the hospital, tools, machinery, equipment, household stores, clothing, et cetera, destroyed by fire March thirty, nineteen hundred and five, from any moneys in the treasury not otherwise appropriated: For erecting buildings containing bath house, laundry, number one shop, tailor department, shoe department, broom department, and equipping the same with laundry machinery, shafting, belting, bath house equipment, heating, lighting and plumbing, eighty-five thousand dollars: For clothing, furniture, household stores, tools and machinery, thirty thousand dollars.

§ 2. Where the object for which the appropriation is made shall have been fully accomplished for a less sum than the amount above specified, any unexpended balance shall be applicable to the completion of any of the other specific purposes, in case that after due advertisement no bid shall have been received within the amount above specifically appropriated.

Unexpended
balances,
application
of.

§ 3. The plans and specifications for new buildings and for extraordinary repairs or improvements to existing buildings authorized by this act shall be subject to the approval of the board of managers and the state commission of prisons, as provided by law. The state architect shall prepare necessary drawings and specifications and shall supervise and control, as architect, all work of construction, additions, alterations or improvements to buildings or plant authorized by this act. The work under this act shall be done by contract, to be let by the board of managers, for the whole or any part of the work to be performed, and in the discretion of the managers, and, subject to such approval, such contracts may be sublet, except work which, in the opinion of the fiscal supervisor of state charities and the state architect, can be done in whole or in part more advantageously by the employment of inmate or civilian labor, either or both, and the purchase of material in the open market, but no compensation shall be allowed for inmate labor. All expenditures under this act shall be made pursuant to estimates or pursuant to contracts; the form of the contract to be prescribed by the state architect. The estimates shall be made to the fiscal supervisor of state charities in usual form by the

Plans and
specifica-
tions, prepa-
ration and
approval of.

Work to be
done by
contract.

Estimates
of expendi-
tures.

board of managers. Where the work estimated for is from drawings and specifications of the state architect, or is to be paid for from appropriations for additions, alterations or improvements to buildings or plant, the estimates shall be subject to his approval also. No item of the said appropriation shall be available except for advertising, unless a contract or contracts or estimate or estimates therefor shall have been first made for the completion thereof within the appropriation therefor. All contracts in an amount greater than one thousand dollars shall have the performance thereof secured by sufficient bond or bonds, said bond or bonds to be approved by and filed with the comptroller. All contracts in an amount less than one thousand dollars need have no surety bond, provided payment is to be made only after the work is completed and approved.

All payments on contracts and upon estimates for additions, alterations or improvements to buildings or plant shall be made on the certificate of the state architect and the voucher of the board of managers. All original bids or proposals, with abstract thereof, shall accompany the copy of the contract which is to be filed with the comptroller and a copy of each such contract shall be filed with the fiscal supervisor of state charities. Money herein appropriated shall only be advanced to the board of managers as the work progresses or the purchase of material is made, and upon bills duly certified, rendered and audited.

§ 4. This act shall take effect immediately.

Chap. 146.

AN ACT to enable the village of Brockport to obtain for itself and its citizens an ample supply of wholesome water.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The village of Brockport is hereby authorized to construct, maintain and operate a system of water works for itself and its citizens and for such purpose to acquire by condemnation or purchase any lands or appurtenances thereto and any source of water supply within or without said village and

Contract price not to exceed appropriation.

Payments to be made on certificate of state architect.

Water system authorized.

within the county of Monroe, sufficient for said purpose, together with any necessary rights of way and privileges necessary therefor.

§ 2. Said village is also authorized to acquire by condemnation or purchase such portion of any existing system of water works within said village, together with so much of any existing system without said village as may be necessary for the proper operation of the portion of said system within said village as is necessary.

Acquisition
of existing
systems.

§ 3. Said village is also authorized to enter into any contract with any person or with any corporation, now or hereafter organized, for the purpose of supplying potable water upon such terms as may seem to its board of trustees to be proper, for a period of not to exceed twenty-five years.

Contract
for supply-
ing potable
water.

§ 4. Before any contract for the erection of a water system under section one hereof or any proceedings for the acquirement of any portion of any existing water system, under section two hereof, or any contract for such water supply under section three hereof shall be entered upon or into by said village or its board of trustees or any debt created therefor, the proposition substantially embodying such proposed action shall be submitted to the taxpayers of said village as they appear upon the last preceding village assessment roll, at a special election called for that purpose at which no other proposition shall be submitted except one or more propositions as hereby authorized and a majority of the vote of such taxpayers cast be canvassed in approval thereof.

Proposition
to be sub-
mitted to
people at
special
election.

§ 5. This act shall take effect immediately.

Chap. 147.

AN ACT to authorize the board of trustees of the village of White Plains to issue bonds for the purpose of paying certificates of indebtedness issued or to be issued in anticipation of the collection of taxes for local improvements.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of White Plains is hereby authorized and empowered to issue bonds of said vil-

Bonds,
amount and
terms of

lage for the purpose of paying any certificate of indebtedness issued prior to the passage of this act in anticipation of the collection of taxes heretofore levied and assessed for local improvements. And also to issue such bonds of said village to pay any such certificates issued prior to January first, nineteen hundred and six. The aggregate of all such bonds not to exceed the sum of one hundred thousand dollars, such bonds shall be issued at such times and for such amounts not exceeding one hundred thousand dollars as said board of trustees may determine. They shall become due and payable at such time as the board of trustees may determine not to exceed forty years from the date thereof and shall bear interest at not to exceed four per centum per annum and shall be signed by the president and treasurer and countersigned by the clerk and shall bear the corporate seal of said village. Such bonds shall be sold in the manner provided by the general village law of the state of New York.

Payment of
bonds.

§ 2. The board of trustees of the village of White Plains is hereby authorized and directed to raise by tax upon all the taxable property within said village a sum to pay the interest on said bonds each year and to redeem them at maturity.

§ 3. The credit and faith of the village of White Plains is hereby pledged for the payment of such bonds as may be issued by authority of this act.

§ 4. This act shall take effect immediately.

Chap. 148.

AN ACT to authorize the board of trustees of the village of White Plains to acquire lands for the site of a public library and to maintain a public library, and issue bonds therefor.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of White Plains is hereby authorized and empowered in addition to all sums of money which it is now authorized by law to raise, to borrow upon the faith and credit of the said village such sum or sums

not exceeding in the aggregate ten thousand dollars, as may in the judgment of said board be necessary for the purpose of purchasing land in said village for the site for a public library. The said bonds shall be due and payable at such time as the board of trustees shall determine not exceeding forty years from the date thereof, and shall bear interest at not to exceed four per centum per annum. Said bonds or any part thereof shall be sold by the board of trustees in the manner prescribed by the general village law of the state of New York, but shall not be sold at less than par. The said bonds shall be exempt from taxation.

Bonds,
issue and
terms of.

§ 2. The board of trustees is hereby empowered and directed to include in the annual tax levy of the said village a sum sufficient to pay the interest on said bonds and redeem them at maturity. Said bonds shall be signed by the president and clerk of said village, shall bear the corporate seal of said village and shall be countersigned by the village clerk and shall be denominated library site bonds of the village of White Plains.

Execution
of bonds.

§ 3. The board of trustees is hereby authorized and empowered with the proceeds of the sale of said bonds or any part thereof to purchase lands for a library site, and the said board is hereby authorized and empowered to acquire by purchase any lands, rights or easements necessary or requisite for the purpose of carrying out the provisions or purposes of this act, at such price or prices as they shall deem fair and reasonable, and if unable to acquire the same by private purchase, the board of trustees shall have the power to acquire such lands, rights or easements on behalf of said village by condemnation, under the condemnation law. The said board of trustees of the village of White Plains is also authorized annually to raise a sum not to exceed three thousand dollars for the purpose of maintaining, supporting and improving a public library in and for said village, said sum to be raised, in the same manner that all of the village taxes are now raised in said village. The board of education of the joint union free school district number one of the towns of White Plains and Harrison shall pay all sums of money raised by taxation in such school district for the purpose of maintaining a public library over to the board of trustees of the village of White Plains. The said funds so received by said board shall be used towards the maintenance of said library.

Acquisition
of lands
for site.

Maintenance
of library,
expense of,
provision
for.

The aggregate amount to be expended for the maintenance and improvement of said library shall not exceed the sum of three thousand dollars in any one year.

§ 4. This act shall take effect immediately.

Chap. 149.

AN ACT authorizing the village of Lestershire, Broome county, to levy a frontage tax for water purposes.

Became a law, April 8, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Frontage
tax.

Section 1. The board of water commissioners of the village of Lestershire, Broome county, shall have the power and are hereby authorized to levy and collect a frontage tax in each and every year on all real property lying along or facing on either side of any street or alley or portion of a street or alley in which a water main for the purpose of supplying water to the public by said village is or may hereafter be laid for said purpose, said frontage tax not to exceed in any one year one dollar for each fifty feet of frontage or fraction thereof on any and all tracts or parcels of land lying along or fronting on either side of any such street or alley or portion thereof.

Assessment
roll, prepara-
tion of.

§ 2. The water commissioners of such village shall on or before the first day of June in each year prepare and deposit in the office of the board of water commissioners with the superintendent of the water works system an assessment roll of the persons and property taxable for a frontage tax under this chapter for that year, which assessment roll shall be prepared and the frontage tax levied in the same manner and form, as near as may be, as is required by law for the preparation of a town assessment roll, which said roll shall contain in four columns the names of the persons assessed, the street upon which the property assessed to each person is situated, the number of feet frontage assessed upon each piece of real estate and the amount of the tax imposed thereon. Such roll shall remain in the office of the board of water commissioners for a period of ten days from the depositing

Review of
assess-
ments, no-
tice of.

thereof and during that time shall be open for the inspection of all persons who are assessed thereby or interested therein; and during the last three days of said time the board of water commissioners or a majority thereof shall meet at their office between the hours of seven thirty post meridian and nine post meridian for the purpose of hearing objections to and making corrections of the said roll. Said commissioners shall forthwith, upon the depositing of said roll with the said superintendent, cause due notice of the depositing of the said roll with the said superintendent and of the time and place of their meeting to hear objections to and make corrections of said roll, by publication thereof in the official paper of said village, at least once, previous to the first day of such meeting, and said water commissioners or a majority of them shall meet at the time and place specified in said notice for said purposes, and shall hear all objections which may be then and there made to said roll and shall make such corrections therein as may be proper, and for that purpose they are hereby given the same powers as are given assessors by law in making corrections of the annual assessment roll. At the expiration of the said ten days and after the making of said corrections the said roll as corrected shall be thereafter filed in the office of the board of water commissioners with the superintendent of the water works system and all taxes and assessments imposed thereby shall from the time of such filing be final and conclusive upon all persons and shall be a lien upon such premises and shall bind the same in the same manner and to the same effect as the village taxes of the said village which are assessed and levied as provided by law. Said frontage tax shall be payable on the first day of July in each and every year at the office of said water commissioners and if any frontage tax imposed or assessed as herein provided shall remain unpaid on the first day of November following the assessment thereof, said unpaid taxes shall from that date draw interest at the rate of twelve per centum per annum. The superintendent of the water works system shall, within ten days after said November first of each year, file with the village clerk a list of such unpaid frontage taxes duly certified by him. The return of unpaid taxes by the superintendent of the water works system, or a copy thereof, certified by the clerk of the village under the corporate seal of the village, shall be presumptive evidence of

Filing assessment roll; assessment to be a lien on property assessed.

Payment of tax.

Return of unpaid taxes.

the facts stated therein. An assessment roll filed with the superintendent of the water works system, or a copy of the same or any part thereof, certified by him under the corporate seal of the village, shall be presumptive evidence of the contents thereof, of the regularity of the assessment and of the right to levy such tax. All frontage taxes levied under this chapter, returned to the clerk of the village as unpaid, may be collected by the board of trustees of the village in the same manner as any other village tax or assessment and for the purpose of collecting the said tax the board of trustees may sell the real property against which the same is assessed, with the same effect and in the same manner and form and with the same notice as is required for the sale of real property for the collection of a village tax, and the provisions of law relating to the sale of real property for the collection of village taxes shall be applicable to the sale of real property for the collection of unpaid frontage taxes and all moneys collected from any such sale of real property for unpaid frontage taxes shall be paid over, when collected, to the board of water commissioners.

§ 3. The amount of taxes so assessed and collected shall be applied to the payment of the cost of the water supply and of the maintenance of the water works system of such village and the payment of the principal and interest of the bonds of such village issued and to be issued to raise money for the cost of constructing and keeping in repair such system. The taxes assessed under this act shall be regarded in all respects as other general village taxes upon the tax roll of such village; and shall be enforced in the same manner; but the money so raised shall be devoted exclusively to the construction and maintenance of such water works system and the payment of bonds issued for that purpose alone, whether interest or principal.

§ 4. This act shall take effect immediately.

Unpaid
taxes, col-
lection of,
proceed-
ings for.

Application
of tax.

Chap. 150.

AN ACT to amend chapter eight hundred and sixty-five of the laws of one thousand eight hundred and seventy-one, entitled "An act to incorporate the Young Men's Christian association of the city of Schenectady," in relation to the membership of said association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its premises.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter eight hundred and sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Young Men's Christian association of the city of Schenectady," is hereby amended so as to read as follows:

§ 3. The members of this corporation shall consist of those Members. who are now known and designated as active members thereof, and those who may be hereafter elected, appointed or admitted as such active members in accordance with the constitution and by-laws of the corporation. The active members of said corporation are hereby declared to be the associates of the persons named in the first section of chapter eight hundred and sixty-five of the laws of eighteen hundred and seventy-one. The work of Directors. the corporation shall be conducted by a board of directors, consisting of fifteen members, each of whom shall be an active member of the corporation, and a communicant in good standing in one of the protestant evangelical church organizations. The Annual meeting. annual meeting of the members of the corporation shall be held on the second Tuesday of April in each year. The directors of the corporation shall be elected at such annual meeting. Such election shall be by ballot and by the majority vote of all members of the corporation present and voting. At the annual meeting to be held on the second Tuesday of April in the year nineteen hundred and five, fifteen members shall be elected, and shall constitute the board of directors. The directors so elected Division of directors into three classes. at said annual meeting in the present year shall meet on the

third Tuesday of April of this year, and by lot divide themselves into three classes of five each, to be designated, respectively, class one, class two and class three. The directors in class one shall hold office for one year; those in class two shall hold office for two years, and those in class three shall hold office for three years. At each annual meeting of the members held after the one to be held in the year nineteen hundred and five, five directors shall be elected, who shall hold office for three years. The term of office of all directors elected after the year nineteen hundred and five, shall begin on the third Tuesday of April succeeding their election, and shall continue for the term aforesaid and until their successors are elected.

§ 2. Section four of said chapter eight hundred and sixty-five of the laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 4. The members of said corporation may adopt such constitution and by-laws, not inconsistent with its charter and the laws of the state, as to them may seem most expedient for the furtherance of the objects and purposes of said corporation.

§ 3. Section six of said chapter eight hundred and sixty-five of the laws of eighteen hundred and seventy-one, as amended by chapter four hundred and thirteen of the laws of eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

§ 6. The corporation hereby created shall be capable of taking by purchase, gift, devise or bequest, subject to all provisions of law relating to devises and bequests by last wills and testaments, and holding real and personal estate, for the uses and purposes specified in this act. The real property of the corporation, together with any devise or bequest now or hereafter made, shall be managed by a board of trustees. No vacancies now or hereafter existing in the present board of trustees shall be filled until the said board shall consist of less than nine members. When the present board of trustees shall have been reduced, by expiration of their term of office, resignation, or otherwise, to less than nine members the board of directors shall, as such vacancies occur, elect by ballot and by majority vote, a trustee or trustees, so as to bring the number of said trustees up to nine. Said nine trustees, and their successors in office, together with the president of the association who shall be trustee ex officio, shall, thereafter, constitute the board of

Terms of
directors.

Constitu-
tion and
by-laws.

Acquisition
of property,
manner of.

Vacancies,
when filled.

Board of
trustees,
members of.

trustees. The first three trustees so elected by said board of directors shall hold office until the fourth Tuesday of April in the year nineteen hundred and six; the second three trustees so elected shall hold office until the fourth Tuesday of April in the year nineteen hundred and seven; the third three trustees so elected shall hold office until the fourth Tuesday of April in the year nineteen hundred and eight. On the third Tuesday of April in the year nineteen hundred and six and every year thereafter, said board of directors shall by ballot and by a majority vote elect three trustees, whose term of office shall begin on the fourth Tuesday of April succeeding their election, and continue for three years and until their successors are elected. All vacancies in the board of trustees occurring between the times herein appointed for their annual election, shall be filled by election by the board of directors, until the next annual election. The board of trustees shall annually appoint a chairman, secretary and treasurer. A trustee need not be an active member of the corporation. The board of trustees may make such laws for the government of their body as shall not conflict or be inconsistent with the charter or constitution of the corporation.

Terms of trustees.

Officers of board of trustees.

§ 4. Section seven of said chapter eight hundred and sixty-five of the laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 7. The board of trustees shall devote the property of the corporation and the income thereof, to the purposes and in the manner specified in this act. They shall pay over from time to time to the board of directors the income of said property, or so much thereof as they may require for the purposes specified in the second section of this act. No intoxicating drinks, ale, cider, or strong or lager beer shall be sold or permitted to be used on the premises of the corporation, nor shall any gambling or betting be allowed thereon. The real estate of the corporation shall not be liable for any debts, except for such as shall be contracted by the board of trustees, and no trustee shall receive any compensation for his services as such.

Property and income, how used.

§ 5. This act shall take effect immediately.

Chap. 151.

AN ACT to amend chapter five hundred seventy-seven of the laws of nineteen hundred and two, entitled "An act abolishing the office of coroner of the county of Erie, and creating the office of medical examiner, and prescribing its duties," relative to medical examiner.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred seventy-seven of the laws of nineteen hundred and two, entitled "An act abolishing the office of coroner of the county of Erie, and creating the office of county medical examiner, and prescribing its duties," is hereby amended to read as follows:

Qualifications of examiner and deputy.

§ 2. The board of supervisors of the county of Erie shall appoint a county medical examiner, and a deputy county medical examiner, each of whom shall be a duly qualified practitioner of medicine and surgery, and a graduate of a medical college, and shall have had at least five years' actual experience in the practice of his profession. The first term of office of such medical

Terms of office of.

examiner, and deputy medical examiner, shall continue until the first day of January nineteen hundred and six, and shall thereafter be for a term of three years. Their successors in office shall be appointed by the board of supervisors during the month of December prior to the expiration of their said terms of office; they shall be subject to removal by the board of supervisors for cause, stated in writing, after an opportunity to be heard in their defense. Should any vacancy occur in the office of such

Vacancies.

medical examiner or deputy medical examiner, by removal or otherwise, such vacancy shall be filled by the board of supervisors for the balance of said unexpired term. The said medical examiner shall receive an annual salary of three thousand dollars, and the said deputy medical examiner shall receive an annual salary of two thousand dollars, each to be paid in the same manner as other officers of such county, and they shall receive in addition thereto all of their actual and necessary expenses incurred in the performance of their official duties, to

Compensation of examiners.

be audited and paid in the same manner as other charges against the said county.

§ 2. Section six of said act is hereby amended to read as follows:

§ 6. The said medical examiner and the said deputy medical examiner under the direction of the said medical examiner, shall make examinations as hereinafter provided upon the view of the dead bodies of such persons only as are supposed to have come to their death by violence, and in cases where there was no attending physician to issue a proper death certificate or the health officer or city physician is not satisfied after investigation as to the cause and circumstances of such death. The word violence in this act includes all causes of death other than natural.

Duties of examiners.

§ 3. Section seven of said act is hereby amended to read as follows:

§ 7. When the medical examiner, or the said deputy medical examiner has notice that there has been found, or is lying within the county of Erie, the dead body of a person, who is supposed to have come to his death by violence, he shall forthwith repair to the place where such body lies, and take charge of the same, and if on view thereof and personal inquiry into the cause and manner of the death, he deems a further examination necessary, he shall, upon being thereto authorized in writing by the district attorney of Erie county, or by a justice of the peace of the town, where such body lies, make an autopsy, and shall then and there carefully reduce, or cause to be reduced to writing every fact and circumstance, tending to show the condition of the body, and the cause and manner of death, which record he shall subscribe, and for the purpose of such inquiry the medical examiner shall have power to subpoena and examine witnesses under oath with like powers as provided in section ten.

Examiner to make autopsy and inquire into cause of death.

§ 4. Section eight of said act is hereby amended to read as follows:

§ 8. If upon such view, personal inquiry or autopsy the said medical examiner or his deputy is of the opinion that the death was caused by violence, or by the commission of some unlawful act or the omission to perform some act required by law to be performed on the part of any person or persons, and that in his opinion an inquest is necessary, he shall so report

Report of examiner.

Notice to
district
attorney.

and at once notify the district attorney and the police justice of the city of Buffalo, or a justice of the peace of the town in which the body lay when found, or the county judge of Erie county, or a justice of the supreme court, and shall file a duly attested copy of the record of his autopsy in the office of the clerk of the county of Erie, and a like copy with the district attorney of the county of Erie, and shall in all cases certify to the clerk or registrar having in custody the records of births, marriages and deaths in the city of Buffalo or the town in which the person deceased, came to his death, the name and residence of the person deceased, if known, or when the name and residence cannot be ascertained, a description of the person deceased, as fully as may be, for identification, together with the cause and manner by and in which he came to his death.

Record of
autopsy to
be filed in
office of
county
clerk.

§ 5. Section nine of said act is hereby amended to read as follows:

Inquest,
conduct of.

§ 9. The justice or judge shall thereupon hold an inquest, which may be private, in which case any or all the persons, other than those required to be present by the provisions of this chapter, may be excluded from the place where such inquest is held, and said justice or judge may also direct the witnesses to be kept separate, so that they cannot converse with each other, until they have been examined. The district attorney or some person designated by him may attend the inquest and examine all witnesses. The justice of the peace holding such inquest shall be entitled to the same fees as are allowed coroners for like services under chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three.

§ 6. Section fifteen of said act is hereby amended to read as follows:

Delivery to
county
treasurer
of money
found on
body of
deceased.

§ 15. Such county medical examiner shall take charge of any money or other property belonging to or found on the body of a person, the death of whom was investigated as provided in this act, and immediately deliver the money to the county treasurer who shall hold the same subject to the demand of the legal representatives of such person, or relatives naturally entitled thereto. For all amounts under fifty dollars no administration shall be required, where the treasurer is satisfied as to the relative or relatives who should receive the same, unless required by an heir, next of kin or creditor. The other property or personal

effects found on the body of such person unless immediately turned over to the parties entitled thereto shall be preserved in the office of the medical examiner and a report thereof made and filed with the county treasurer. Unless such money or other property is called for within sixty days from such delivery, the county treasurer shall deposit such money in the manner provided by the code of civil procedure in case of money paid into court; but in case of other property the medical examiner shall sell it at public auction upon reasonable public notice, and deposit the proceeds thereof with the county treasurer. The money so deposited with interest, shall be paid to the legal representatives, or relatives as herein provided, upon an order of a justice of the supreme court or the county judge of Erie county.

Disposition
of other
property
found on
body of
deceased.

§ 7. This act shall take effect immediately.

Chap. 152.

AN ACT to amend chapter seven hundred forty-four of the laws of nineteen hundred four, entitled "An act to authorize the treasurer of Niagara county to sell property for unpaid taxes," in relation to the expense of publishing notice of tax sales in Niagara county.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter seven hundred forty-four of the laws of nineteen hundred and four, entitled "An act to authorize the treasurer of Niagara county to sell property for unpaid taxes," is hereby amended to read as follows:

§ 7. The said treasurer of Niagara county shall immediately after the expiration of the aforesaid six months, cause to be published at least once in each week, for six weeks, in the two newspapers, designated by the board of supervisors to publish the session laws, a statement concerning unpaid taxes in the county. This statement shall give the name of the parties to whom each piece of land, on which the taxes remain unpaid, was assessed,

Statement
of unpaid
taxes, pub-
lication of.

and in connection therewith a description of the land and also a notice that the said real estate will on a day at or after the expiration of the said six weeks, to be specified in such notice and the succeeding days, be sold at public auction, at the courthouse in the city of Lockport, to discharge the taxes, fees, interest and expenses, which may be due thereon at the time of sale. The expense of publishing said notice shall be at the rate of seventy-five cents per folio for the first insertion in each newspaper and fifty cents per folio for each subsequent insertion. On the day designated in the said notice, the county treasurer shall commence the sale of real estate, and shall continue the sale until such lands are all disposed of.

§ 2. This act shall take effect immediately.

Chap. 153.

AN ACT to make the office of sheriff of Schenectady county a salaried office, and regulating the management of said office.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. After the expiration of the term of the office of the present sheriff of the county of Schenectady, and thereafter, the sheriff of the county of Schenectady shall receive as compensation for his services an annual salary of three thousand five hundred dollars per annum, which salary shall not be increased or diminished during the term for which said sheriff shall have been elected or appointed. He shall also receive his fees and perquisites in all civil cases in which the same are to be paid by private persons and corporations, in full of all fees or other compensation from the county of Schenectady, and all actual expenses, and he shall not receive from the county of Schenectady any fees, compensation or perquisites of any kind or nature whatsoever. The sheriff shall be entitled to use and occupy the residence, with light and heat for the same, now used and occupied by the sheriff of Schenectady county, or which may hereafter be erected for such purpose, without charge or expense.

Compensation of sheriff.

The board of supervisors shall also furnish and equip the sheriff's office in said building. The sheriff shall file annually with the board of supervisors a correct inventory of all property owned by the county of Schenectady in his office, jail and official residence. Annual report.

§ 2. It shall be the duty of such sheriff to perform all the services which he is or shall be required or authorized by law to perform, by virtue of or by reason of his holding such office for the state, for the county and city of Schenectady, including his duties as officer of the courts and keeper of the jail, and no compensation, payment or allowance shall be made to him for his own use for any such services, except the salary aforesaid and fees from individuals and corporations, but not for civil matters in which the state of New York, the county of Schenectady or city of Schenectady is a party. Duties of sheriff.

§ 3. All the fees, emoluments or perquisites which said sheriff shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive for business done for the United States, state of New York, county of Schenectady or city of Schenectady, shall belong to the county of Schenectady. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments or perquisites for said county, and such officers shall require payment in advance for all services rendered by him, or by his under-sheriff in his or their official capacity, by virtue of any law of this state, or by order of the courts, or by order of the board of supervisors of said county, or any duty that may hereafter by law be devolved upon him that is not a county charge. Fees shall belong to the county.

§ 4. Said sheriff so elected or appointed, shall appoint an under-sheriff who shall receive as compensation for his services such salary as said sheriff shall agree to pay out of his salary and fees aforesaid. Under-sheriff, compensation of.

§ 5. The sheriff of the county of Schenectady, under this act, shall pay out of his salary and fees aforesaid for the hiring of his under-sheriff and all other additional help for the proper care of the court house and jail, and the maintenance of the prisoners therein confined, as he may deem necessary. Maintenance of prisoners and additional help.

§ 6. Each sheriff shall, within ten days after he shall have received notice of his election, or appointment, and before he shall have entered upon the discharge of the duties of his office, Bond of sheriff.

execute to the people of the state of New York, a joint and several bond, in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the board of supervisors, as to form, manner of execution and sufficiency of sureties; the conditions thereof to be to the effect that such sheriff shall faithfully perform all the duties of his office according to law. And if any such sheriff shall neglect for thirty days to execute or file any such bond, according to the provisions of this act, his office shall thereupon become vacant. Such bond shall be filed with the clerk of the board of supervisors, and by said clerk delivered to the county clerk's office in said county of Schenectady, and recorded therein.

Sheriff
shall keep
books of
account.

§ 7. In a proper book or books, to be provided at the expense of said county, such sheriff shall keep an exact and true account of all official services performed by him or his under-sheriff or deputies, the fees of which shall belong to the county of Schenectady; also a full statement of all furniture, implements, materials, food or supplies of whatever nature, used and furnished as herein provided, for the custody and maintenance of the prisoners detained in the jail. Such book or books shall constitute a part of the records of such office, and shall at all times, during office hours, be open to the inspection, without fee or charge therefor, of all persons desiring to inspect the same.

Monthly
statements,
contents of.

§ 8. The sheriff shall, within five days after the expiration of each calendar month, transmit to the treasurer of Schenectady county, a statement of all services mentioned in the last section as shall have been performed by him, the fees of which belong to the county of Schenectady, of the amounts properly chargeable therefor, and the moneys received by him on account thereof, which may be due the county of Schenectady. Such statements shall also contain an account of the moneys actually expended by the sheriff, under-sheriff or deputies in the performance of said services, which account shall show the purpose for which such expenditures were made, and the amount of each separate item so expended. Such statements shall be verified by the affidavit of the sheriff or the person instructed and directed to receive such moneys, or making such expenditures, to the effect that said statement is in all respects true and correct, and the said services were actually performed and the moneys therein charged were actually received, and the expenses

stated to have been made were actually made for the purposes therein mentioned. The said sheriff at the time of rendering said account shall pay the sum of money so received by him, and which may be due the county of Schenectady, to the treasurer thereof. The said sheriff, at the time of delivering to the said treasurer the statements aforesaid, shall deliver two duplicates thereof to the clerk of the board of supervisors together with the affidavit attached. The same shall be presented to the board of supervisors at their monthly meeting, and the amount allowed therefor shall be paid as any other county charge. In case any expenses or disbursements shall be due said sheriff from the county of Schenectady and found to be correct, the same shall be paid by the county treasurer. The board of supervisors shall at any annual or monthly meeting, or special meeting called for that purpose, have power to audit any bills or perform any act required of them under this act.

Sheriff to pay moneys received to county treasurer.

§ 9. The jail of the county shall be kept by the sheriff of the county as now required by law. All furniture, implements, materials, food and supplies of whatever nature necessary for the custody and maintenance of the prisoners detained within the jail shall be furnished by the county of Schenectady. All such articles shall be purchased by the county of Schenectady. The sheriff shall keep, or cause to be kept, correct and itemized account of all supplies or other articles furnished for the jail, in the manner and in the books to be provided for that purpose by the board of supervisors of said county.

Furniture and supplies to be furnished by the county.

§ 10. The board of supervisors of Schenectady county shall appoint annually some person or persons who shall, according to such rules and regulations as the board of supervisors shall adopt, furnish to the sheriff all items of supplies, materials, food, furniture or implements as are necessary for the proper care and maintenance of all prisoners confined in such jail. It shall also be the duty of the sheriff to make his requisitions for such articles in writing.

Appointment of person to furnish food and supplies to sheriff.

§ 11. Such person or persons so appointed by the board of supervisors of Schenectady county shall furnish to the sheriff such items of supplies, implements, materials and tools of whatever nature necessary for the custody and maintenance of prisoners and persons detained in the custody of the sheriff, and employed on the highways of Schenectady county, and all necessary

Statement of disbursements for supplies to be given to sheriff.

disbursements in doing and providing the same and transporting prisoners shall be a county charge, and to be paid by the county upon the sheriff's rendering a correct and itemized account of such disbursements made by him or contracted for by him, and paid in the same manner as other disbursements. Such sheriff shall keep in a book or books, provided for that purpose, at the expense of the county, each item of said account, specifying the date on which it was incurred or contracted for, whom contracted with and to whom paid, and for what and the purpose for which it was paid or contracted. The sheriff shall also obtain a voucher for each item incurred by him so far as practicable, and if any such item exceeds the sum of twenty-five dollars it shall be duly verified as to its correctness, and the payment thereof by the affidavit of the person furnishing the same. The sheriff shall render his statement for expenses paid or contracted for as above set forth, in the manner provided for in section eight hereof, and the certifying thereto and the payment thereof made as specified in such section.

Sheriff to
keep ac-
counts.

§ 12. Any officer referred to in this act who shall receive to his own use or neglect to account for any money, fees, perquisites or emoluments by this act declared to belong to and be for the benefit of the county of Schenectady, or who neglects to render to said county treasurer or sheriff an account of all fees received, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment or both at the discretion of the court before whom such officer shall be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for. The county of Schenectady shall in no respect be held responsible for any official act of the said sheriff or any of his appointees.

§ 13. The sheriff shall require bonds, subject to his approval, from his under-sheriff, jailor and deputies, to secure him for the faithful performance of the duties and accounting of all fees, perquisites and emoluments. Said sheriff shall also make a separate statement as to all United States prisoners confined in said jail, and shall account and pay over to the county treasurer all moneys received from the United States therefor.

§ 14. All sums of money to be paid by and under the provisions of this act shall be raised by taxation as the other county ex-

Failure to
pay fees,
etc., to
county, a
misdemeanor.

Bonds of
under-
sheriff,
deputies
and jailor.

Expense to
be paid by
tax.

penses are raised, and the salary of said sheriff shall be paid as salaries of other county officers are paid.

§ 15. The sheriff or under-sheriff shall perform all services required of said officers, within the limits of the city of Schenectady, and no pay shall be allowed to any deputy-sheriff for services within said limits, except in extraordinary emergencies, and except services for attendance at court.

Compensation of deputy sheriffs.

§ 16. The sheriff shall file and preserve in his office all commitments of prisoners thereto and all discharges of prisoners therefrom.

Commitments and discharges of prisoners.

§ 17. The amendments provided by this act shall not apply to the present incumbent of the office of sheriff of said county, or to the administration of said office during his term.

Amendments not to apply to sheriff now in office.

§ 18. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 19. This act shall take effect immediately.

Chap. 154.

AN ACT to amend chapter seven hundred and forty-four of the laws of eighteen hundred and sixty-seven, entitled "An act to define the objects of the New York State Institution for the Blind, and to provide for its management," relative to the bond of the treasurer of the New York state school for the blind.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter seven hundred and forty-four of the laws of eighteen hundred and sixty-seven, entitled "An act to define the objects of the New York State Institution for the Blind, and to provide for its management," is hereby amended to read as follows:

§ 10. The treasurer shall have the custody of all the funds of the institution, and pay out the same only upon properly authenticated orders of the board or its executive committee. Before entering upon the duties of his office, he shall execute and file in the office of the comptroller, a bond with such sureties and in such amount of penalty as the comptroller shall require and approve,

Custody of funds; bond of treasurer.

conditioned for the faithful discharge of his duties as such treasurer.

§ 2. This act shall take effect immediately.

Chap. 155.

AN ACT to bring union free school district number eleven, town of Southampton, in the county of Suffolk, under the provisions of the consolidated school law.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name and
boundaries.

Section 1. Union free school district number eleven, town of Southampton, in the county of Suffolk, is continued under such name and number and the boundaries thereof shall be the same as its boundaries now are until altered as the law provides.

District
subject to
consolidated
school law.

§ 2. The said union free school district number eleven, town of Southampton, shall hereafter, in all respects, be subject to and governed by the provisions of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, being the consolidated school law, and all amendments which have been and which may hereafter be made thereto.

§ 3. Chapter four hundred and forty-one of the laws of eighteen hundred and sixty-two and all amendments thereto are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 156.

AN ACT to provide for the payment of the claim of the Eastern Bermudez asphalt paving company against the city of New York for pavement and other work in connection therewith in the borough of Brooklyn.

Accepted by the city.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
estimate
and appor-
tionment to
investigate
claim.

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized, in its discretion, to inquire into the fact relative to the justness of the claim of the Eastern

Bermudez asphalt paving company against the city of New York, amounting to the sum of one thousand, four hundred and fifty dollars and ninety cents, for laying asphalt pavement and other work appurtenant thereto in Beaver street, in the borough of Brooklyn, city of New York, between Belvidere street and Arion place, between the first day of September, nineteen hundred and three, and the first day of December, nineteen hundred and three.

§ 2. The said board in dealing with the matter aforesaid may treat the same as matters of fact, without regard to the question whether the said repavement was legally done, or whether the order for the same by the commissioner of public works of the borough of Brooklyn, complied with the provisions of law existing at that time with reference to a contract for such work. If it shall appear to the satisfaction of the board that the said repavement was actually done by the said Eastern Bermudez asphalt paving company, and that it was proper and necessary that the same should have been done in order to render that part of Beaver street thus repaved, useful for the purposes for which it was maintained by the said city, and that the price contracted to be paid therefor by said commissioner of public works was a fair and reasonable price and that the fair and reasonable value of said repaving was the sum of one thousand four hundred and fifty dollars and ninety cents, then said board shall so certify in writing to the comptroller and file the same in his office. If said board shall decide that said repaving was reasonably worth any other or less sum than the sum aforesaid it shall so certify in writing and it shall also certify the reasonable value thereof and file the same in his office.

Board to report result of investigation to Comptroller.

§ 3. The said comptroller is hereby authorized and directed to pay the said claim at the amount determined upon by said board out of any funds of the city available for such purpose. If there is no unexpended balance available for that purpose, the comptroller is hereby authorized and directed to issue consolidated stocks or bonds of the city of New York, as provided by law sufficient to pay such claim, with interest, under the provisions of this act.

Comptroller authorized to pay claim.

§ 4. This act shall take effect immediately.

Chap. 157.

AN ACT to provide for the payment of the claim of M. A. Dimond, executrix of the estate of John Dimond, deceased, for labor and materials furnished for grammar school number seventy-six in the nineteenth ward of the city of New York.

Accepted by the city.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized in its discretion to inquire into the facts relating to the justice of the claim against the city of New York of M. A. Dimond, executrix, of the estate of John Dimond, deceased, amounting to the sum of five hundred and sixty-three dollars, together with interest amounting to five hundred and six dollars and seventy cents from the year eighteen hundred and ninety to nineteen hundred and five, for labor and material furnished by the said John Dimond on the credit of the city of New York, by direction of a former board of trustees of the board of education of the city of New York, and if it shall appear to the satisfaction of the said board of estimate and apportionment that the work was actually done and accepted by the board of education, then the board of estimate and apportionment shall so certify, in writing, and the comptroller of the city of New York shall and he is hereby authorized and empowered to pay to the said M. A. Dimond, executrix of the estate of John Dimond, deceased, the amount, if any, fixed by the board of estimate and apportionment. The amount so paid shall be charged to and be paid out of any unexpended balance of any appropriation made to any of the departments of the city of New York for the year, nineteen hundred and four. If there be no unexpended balance available for that purpose, an action may be brought in the name of M. A. Dimond, executrix of the estate of John Dimond, deceased, for such amount as the board of estimate and apportionment may certify, in which event it shall be sufficient to entitle the plaintiff to recover therein, to refer to this act, to allege the amount certified by the board of estimate and appor-

Investigation of claim by board of estimate and apportionment.

Comptroller authorized to audit claim.

tionment, and the fact that it is claimed by the city that there is no unexpended balance available to pay the above, whereupon the corporation counsel of the city of New York is hereby authorized in his discretion to offer judgment in favor of M. A. Dimond, her successors or assigns, against the city of New York for the amount so awarded by said board of estimate and apportionment with interest, as aforesaid, together with costs. The judgment so entered shall be a legal charge against the city of New York and shall be paid out of the judgment fund of the city of New York.

§ 2. This act shall take effect immediately.

Chap. 158.

AN ACT to amend chapter three hundred and eight of the laws of nineteen hundred and four, entitled "An act relating to the issue of bonds for street improvements in the village of Saranac Lake, county of Franklin," relative to the issue of bonds for the extension and improvement of the sewer and water systems.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of chapter three hundred and eight of the laws of nineteen hundred and four, entitled "An act relating to the issue of bonds for street improvements in the village of Saranac Lake, county of Franklin," is hereby amended to read as follows: "An act relating to the issue of bonds for street improvements and for the extension and improvement of the sewer and water systems in the village of Saranac Lake, county of Franklin." title amended.

§ 2. Section one of such chapter is hereby amended to read as follows:

§ 1. Upon the submission and adoption of a proposition, or propositions, at any annual or special election in the village of Saranac Lake, county of Franklin, duly held as provided by the village law, authorizing any or all of the following improvements, namely: the improvement of the streets of such village by the construction of street pavement of asphalt, macadam or Submission and adoption of proposition at village election.

other suitable material, or the extension or improvement of the existing sewer or water systems in such village, and for providing for the issue of bonds by such village to raise money for the payment of the portion of the cost of the improvement of such streets; to be borne by the village, or for the payment of the cost of the extension or improvement of such sewer or water systems, the board of trustees of such village may provide for the issue and sale of such bonds, so that all of such bonds shall become due and payable within sixty years from their date of issue and so that they shall be paid in equal annual installments, the first of which shall be due not more than thirty years from their date. Except as above provided the provisions of the village law, and all other general statutes relating to the issue and sale of village bonds, shall apply to the issue and sale of bonds for the construction of the street improvement, or for the extension or improvement of such sewer or water systems, authorized by a proposition adopted as above provided.

§ 3. This act shall take effect immediately.

Chap. 159.

AN ACT to incorporate the Trustees of the Eastern Star Hall and Home of the State of New York, and their successors, under the corporate name of the Trustees of the Eastern Star Hall and Home of the State of New York.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate
name.

Section 1. The Trustees of the Eastern Star Hall and Home of the State of New York, with their successors, are hereby constituted a body politic and corporate with all the general powers of corporations under the laws of the state of New York, by and under the name of the Trustees of the Eastern Star Hall and Home of the State of New York.

Trustees,
terms of.

§ 2. The corporation hereby created shall consist of seven members to be known as trustees. Three of said trustees Hannah L. Quinn, Frederick Wurtz and Annie Vass, shall serve until the

meeting of the grand chapter order of the Eastern star, state of New York, nineteen hundred and seven; two of said trustees, Cornelius B. Parker and Francis Raymond, shall serve until the meeting of said grand chapter, nineteen hundred and six, and two of said trustees, Eliza M. Demarest and Elizabeth Patterson, shall serve until the meeting of said grand chapter, nineteen hundred and five. The said grand chapter at each annual session after the passage of this act, shall elect the successors of the trustees whose terms of office may expire at that annual meeting. The successors so elected shall serve for a period of three years. Should a vacancy occur in the office of trustee at an annual session of said grand chapter from any cause other than the expiration of the term of said trustee, said vacancy shall be filled by election for the unexpired term at said annual session. If any such trustee shall cease to be a resident of the state of New York, or shall cease to be a member of a chapter under the jurisdiction of the grand chapter as aforesaid, her or his place as such trustee shall be declared vacant by the grand matron. In case any vacancy in the office of trustee shall occur during the time intervening between the annual session of the grand chapter, the grand matron shall fill such vacancy by appointment of a person qualified as aforesaid, and the person so appointed shall serve as trustee until the next succeeding annual session of the grand chapter, when such vacancy shall be filled by election for the unexpired term. The said board of trustees shall select one of its members as president, one as treasurer, and one as secretary, and shall make a full and detailed report of all its doings at each annual session of the grand chapter. Whenever the grand chapter is not in session, the said trustees shall, upon the request of the grand matron, render to her a full and detailed report in writing of and concerning any and all of their acts and transactions, and the books, papers, and records of said trustees shall, at all times, be open to examination by the grand chapter, the grand matron, or any committee of members of the grand chapter which she or it may appoint. Whenever the grand chapter is not in session, the grand matron may, by a written order, suspend any trustee from office and appoint a person qualified as required by this act, to perform her or his duties, and such person shall possess all the powers and discharge all the duties of said trustee. No such suspension shall be made except for cause, nor until after an opportunity shall

Vacancies.

Officers.

Suspension
of trustees
from office.

have been given the trustee affected thereby to be heard with regard thereto. Such suspension shall continue in force until acted upon by the grand chapter at its next succeeding annual session, and no longer. The grand chapter may, at any annual session, and for such cause as it shall consider sufficient, remove from office any trustee elected pursuant to this act, and upon so doing shall fill the vacancy thus created by election for the unexpired term.

Construc-
tion of hall
in city of
New York.

§ 3. It shall be the object of the corporation hereby created to build and maintain an Eastern Star hall in the city of New York for the meetings of the grand chapter or general assembly of the order of the Eastern Star or for the accommodation of other associations; and out of the rent derived from the rent or income thereof or other sources, to build, establish and maintain an asylum or asylums for the relief of worthy and indigent members of the order.

By-laws.

§ 4. The corporation hereby created is empowered to adopt regulations and by-laws and appoint officers for the better accomplishment of the objects herein mentioned.

Annual
report.

§ 5. The corporation shall annually report to the grand chapter the amount, condition and investment of the funds in its hands, and all other matters and things relating to the concerns of the corporation.

Powers,
rights and
privileges.

§ 6. The corporation hereby created is empowered and vested with all the property rights, privileges, immunities, powers, and exemptions now held and possessed by the corporation known as "the Order of the Eastern Star," created by chapter six hundred and twenty of the laws of eighteen hundred and ninety-five.

Laws
repealed.

§ 7. So much of chapter six hundred and twenty of the laws of eighteen hundred and ninety-five as is inconsistent with the provisions of this act, is hereby repealed. Saving and reserving to the corporation hereby created, all claims and causes or choses in action, in being at the passage of this act, for or against the corporation created by chapter six hundred and twenty of the laws of eighteen hundred and ninety-five; and permitting the continuance of any suit or proceeding instituted in the name and to the benefit of or against the said corporation prior to the passage of this act.

§ 8. This act shall take effect immediately.

Chap. 160.

AN ACT to amend the county law, relative to the salaries of the county judge and the surrogate of Dutchess county.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision thirteen of section two hundred and twenty-two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended to read as follows:

Subd.	Name of county	Salary of county judge.	Salary of surrogate.
13	Dutchess	3000.00	3500.00

§ 2. This act shall take effect January first, nineteen hundred and eight.

Chap. 161.

AN ACT to amend the university law, relating to the number of regents necessary to constitute a quorum.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two entitled "An act to revise and consolidate the laws relating to the university of the state of New York," is hereby amended to read as follows:

§ 7. **Quorum.**—Six regents attending shall be a quorum for the transaction of business.

§ 2. This act shall take effect immediately.

Chap. 162.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled "An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this state," in relation to auction sales.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Sections one and two of chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled "An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling, and vending of merchandise within this state," as amended by chapter six hundred and fifty-nine of the laws of eighteen hundred and ninety-nine and chapter five hundred and fifty-six of the laws of nineteen hundred and four are hereby amended to read as follows:

Licenses to honorably discharged soldiers, etc., to sell their own goods.

§ 1. Every honorably discharged soldier, sailor or marine of the military or naval service of the United States, who is a resident of this state and a veteran of the late rebellion, or of the Spanish-American war, or who shall have served beyond sea, shall have the right to hawk, peddle, vend and sell by auction his own goods, wares or merchandise or solicit trade within this state, by procuring a license for that purpose to be issued as herein provided.

License to be issued without charge.

§ 2. On the presentation to the clerk of any county in which any soldier, sailor or marine may reside of a certificate of honorable discharge from the army or navy of the United States which discharge shall show that the person presenting it is a veteran of the late rebellion or of the Spanish-American war, or that he has served beyond sea, such county clerk shall issue without cost to such soldier, sailor or marine a license certifying him to be entitled to the benefits of this act.

§ 2. This act shall take effect immediately.

Chap. 163.

AN ACT to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All fines, penalties and forfeitures imposed and collected under the provisions of every act passed or which may be passed relating to or affecting the game of policy, in every case where the prosecution shall be instituted or conducted by a society incorporated and having as an object the prevention or suppression of the game of policy, must be paid on demand to such society.

§ 2. This act shall take effect immediately.

Chap. 164.

AN ACT to amend the code of civil procedure, in relation to the supreme court reporter.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by inserting a new section, to be section two hundred and forty-four and to read as follows:

§ 244. The justices of the appellate divisions of the supreme court shall meet in convention at the capitol in the city of Albany, on the third Monday in June, nineteen hundred and five at twelve o'clock noon, for the purpose of appointing a supreme court reporter as hereinafter provided. The secretary of state shall serve a written or printed notice of such meeting, either personally or by mail, upon each of the justices of the appellate divisions of the supreme court, at least two weeks before such

Convention
to appoint
supreme
court
reporter.
date of
notice of.

Reporter,
appoint-
ment and
term of.

Appoint-
ment of
successor,
convention
for, date of.

Removal of
reporter.

meeting. When so convened, said justices, by a majority of those present, shall appoint a supreme court reporter to hold office for a term of five years and until his successor is appointed and qualifies, said term to commence at the expiration of the term of office of the present supreme court reporter. Said justices of the appellate divisions of the supreme court must thereafter meet in convention at the capitol in the city of Albany, at noon of the day when the term of office of the supreme court reporter expires, for the purpose of appointing a supreme court reporter in his place. If that day is a Sunday or a public holiday, the convention must be held at the same time and place on the first day thereafter not being Sunday or a public holiday. If the appointment is not made at such a meeting, it may be made at a special meeting of the convention held as prescribed in the next section. The supreme court reporter may be removed for cause by the justices of the appellate divisions of the supreme court or a majority of such of them as attend at a convention held as prescribed in the next section. An appointment or removal must be in writing. It must be signed by the justices making it, and filed in the office of the secretary of state.

§ 2. Section two hundred and forty-five of the code of civil procedure is hereby amended to read as follows:

Special
meetings,
notice of.

§ 245. A special meeting of the convention for the appointment or removal of a supreme court reporter must be held at the capitol in the city of Albany, but it may be adjourned to any other place. It may be called by a presiding justice by a written or printed notice stating the object of the meeting and served personally or through the post office, upon each of the justices of the appellate divisions of the supreme court, at least two weeks before the time specified therefor. If the object of the meeting is to consider the question of the removal of the supreme court reporter, the notice must be accompanied with a copy of the grounds alleged for the removal, and both must be served upon the supreme court reporter, personally or by leaving them at his last place of residence with some person of suitable age and discretion, at least ten days before the time appointed for the meeting. The supreme court reporter may be removed at such special meeting.

Removal.

§ 3. Section two hundred and forty-six of the code of civil procedure is hereby amended so as to read as follows:

§ 246. The supreme court reporter must report every cause determined in the appellate divisions of the supreme court unless otherwise directed by the appellate court, or a judge thereof. To enable him to perform that duty, the justices of said appellate divisions must immediately deliver to him the written opinions, or certified copies thereof, rendered in each cause so determined. Each decision of the court which is reported must be so reported as soon as practicable after it is made. The supreme court reporter must prepare for each volume and cause to be published therewith, the usual digest, head notes, table of contents and index, and on the appointment of his successor, must deliver to him all papers in his hands pertaining to a cause which he has not reported, or which are not necessary to be retained by him to complete the publication of a volume which is then partly printed. Said supreme court reporter after the expiration of his term of office, shall not deliver a paper specified in this section or a copy thereof, to any person other than his successor in office, or the publisher of a partly printed volume, except that a copy of such paper may be furnished by him during a vacancy in the office, to a justice of the supreme court or to the attorney for a party to the cause to which it relates. Such supreme court reporter must deposit with the clerk of each appellate division all opinions delivered to him from such appellate divisions which are not to be reported, immediately after the publication of the reports of the other causes decided at the same time. They must be properly filed and preserved by such clerks.

Duty of
reporter

Delivery of
papers to
successor
in office.

Opinions
not re-
ported.

§ 4. Section two hundred and forty-seven of the code of civil procedure is hereby amended so as to read as follows:

§ 247. The supreme court reporter shall not have any pecuniary interest in the reports, but a contract for the publication thereof under his supervision, must from time to time be made in behalf of the people by said supreme court reporter, subject to the approval of the presiding justices of the appellate divisions, with the person or persons who agree to furnish to the secretary of state so many copies of each volume as may be needed to enable him to comply with section two hundred and thirteen of the code of civil procedure, and also to publish and sell the reports on terms the most advantageous to the public, regard being had to the proper execution of the work, and also to the continuation of the publication of an official series of reports, with weekly

Reporter
shall not
have any
pecuniary
interest in
reports.

Price of
reports to
public.

advance sheets, in substantially the same form as heretofore, and at a price not exceeding two dollars for a volume of not less than one thousand pages. Each contract so entered into must provide for the publication of the reports for five years from the expiration of the time specified for that purpose in the last contract or from the abrogation thereof. If the supreme court reporter determines that a contract has not been faithfully kept by the person or persons agreeing so to publish the reports, such reporter may, by an instrument in writing under his hand, approved by the presiding justices of the appellate divisions, filed in the office of the secretary of state, annul the same from a time specified in the instrument, and thereupon immediately enter into a new contract, likewise to be approved by the presiding justices of the appellate divisions, for the publication of the reports for five years from the time so specified. Before entering into a contract the supreme court reporter must advertise for, receive and consider proposals for the publication of the reports. The supreme court reporter may also cause advance sheets of reports to be published at not to exceed fifty cents a volume: he must cause the reports published as prescribed herein, to be kept constantly for sale to persons within the state at the price provided for in said contract.

§ 5. Section two hundred and forty-eight of the code of civil procedure is hereby amended so as to read as follows:

§ 248. In each cause heard by the appellate division of the supreme court, the attorney or counsel for each party must deliver to the clerk of said appellate division, for the use of the supreme court reporter, a duplicate of each paper furnished by him for the use of the court. The clerk must collect such papers from the counsel; and immediately transmit them, to the supreme court reporter.

§ 6. Section two hundred and forty-nine of the code of civil procedure is hereby amended so as to read as follows:

§ 249. Neither the supreme court reporter nor any other person shall obtain a copyright for the opinions contained in the reports, and the same may be published by any person, but the copyright of the statements of facts of the head notes and of all other notes or references published by the supreme court reporter must be taken by and shall be vested in the secretary of state for the benefit of the people of the state. The secretary of state shall

Duration
of contract.

Bids for
publication
of reports.

Counsel
must fur-
nish clerk
with dupli-
cate of
papers.

Opinions
not to be
copyrighted.

distribute the reports so furnished him as specified in section two hundred and forty-seven as provided in section two hundred and thirteen of the code of civil procedure.

§ 7. Section two hundred and fifty of the code of civil procedure is hereby amended so as to read as follows:

§ 250. The supreme court reporter shall receive an annual salary of five thousand dollars, payable quarterly and in addition thereto such allowances for clerk hire and office expenses as the legislature shall from time to time direct. Salary of reporter.

§ 8. This act shall take effect immediately.

Chap. 165.

AN ACT to amend the election law, relative to the length of time certain papers shall be kept on file by the county clerk.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section one hundred and thirteen of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six entitled "An act in relation to the elections, constituting chapter six of the general laws," is hereby amended so as to read as follows:

§ 113. Delivery and filing of papers relating to the election.—

Subdivision 1. If the election be other than election of town, city, village or school officers, held at a different time from a general election, the chairman of the board of inspectors of each election district, except in The City of New York, shall forthwith upon the completion of such certified original statement of the result, deliver one certified copy thereof to the supervisor of the town in which the election, if outside of a city, is situated, and if in a city, to one of the supervisors of said city. If there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, such certified copy shall be forthwith delivered to an assessor of such town or city. One certified copy of such original statement of the result of the canvass, the poll-books of such election, and one of the tally sheets,

shall be forthwith filed by such inspectors, or by one of them deputed for that purpose, with the town clerk of such town, or the city clerk of such city, as the case may be. The original certified statement of the result of the canvass, with the original ballot returned, prepared by the ballot clerk, attached, the sealed package of void and protested ballots, the record as to challenged and assisted voters, and the sealed packages of detached stubs and unvoted ballots, and one of the tally sheets shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of the board of inspectors, with the county clerk of the county in which the election district is situated. The register of electors and public copy thereof shall be filed as prescribed in section thirty-five of this act. The county clerk shall not be required to keep on file the papers required to be filed with him, herein provided, for a period of more than three years, unless otherwise directed by the district-attorney of the county or a judge or justice of a court of record.

§ 2. This act shall take effect immediately.

Chap. 166.

AN ACT to provide for the appointment of a deputy county treasurer, for the county of Rensselaer to act in the absence or inability of the treasurer of said county.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The county treasurer of Rensselaer county is hereby authorized to appoint a person to be and to act as deputy treasurer of said county, to hold office during the pleasure of the county treasurer, and to have and possess, in the absence or inability to act of said county treasurer, all the powers possessed by said county treasurer, except that of signing checks, bonds or certificates of indebtedness. The said treasurer shall be responsible for the acts of said deputy. Such appointment shall be in writing and filed with the clerk of the county of Rensselaer.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT to amend the agricultural law, relative to compensation to owners of animals destroyed because of tuberculosis.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-a of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture constituting articles one, two, three, four and five of chapter thirty-three of the general laws" as inserted by chapter three hundred and twenty-one of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 70-a. Compensation to owners of animals destroyed.—The actual appraised value, not to exceed forty dollars, at the time they are killed of all animals slaughtered under the provisions of this article, which shall be found upon a post-mortem examination not to have had the disease for which they were slaughtered, unless the same were killed on account of the violation of quarantine regulations, shall be paid to the owners of such animals. If such animals are found upon post-mortem examination to have been suffering from the disease of tuberculosis, then they shall be paid for in the manner following, to wit: If an animal had localized tuberculosis, the owner thereof shall be paid sixty per centum of the appraised value. If the animal has been suffering with generalized tuberculosis, the owner thereof shall be paid therefor forty per centum of the appraised value, but no animal slaughtered under the provisions of this article shall be paid for as herein provided, unless the said animal shall have been within the state for a period of at least one year. The certificate of appraisal, the statement of the result of the post-mortem examination, shall be presented by the owner or his legal representatives or assigns, to the commissioner of agriculture. The commissioner of agriculture shall issue his order for the amount due as shown by such certificate and statement, which shall be paid by the state treasurer on the warrant of the comptroller out of moneys appropriated therefor. If the owner of the cattle is dissatisfied with

the appraisal he may take his claim to the court of claims, which court shall have exclusive jurisdiction to hear, audit and determine all claims which shall arise under the provisions of this article for compensation for animals slaughtered and to allow thereon such sums as should be paid by the state. No compensation shall be made to any person who has wilfully concealed the existence of disease among his animals or upon his premises, or who in any way by act or by wilful neglect has contributed to spread the disease sought to be suppressed or prevented, nor for any animal which upon a post-mortem examination is found to have the disease on account of which it was slaughtered or any dangerously contagious or infectious disease that would warrant the destruction of such animal, except as herein provided.

§ 2. This act shall take effect immediately.

Chap. 168.

AN ACT to amend the penal code in relation to the abandonment of children.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three of title ten of the penal code is hereby amended by adding at the end thereof a new section to be section two hundred and eighty-seven-a.

§ 287-a. **Abandonment of children.**—A parent or other person charged with the care or custody for nurture or education of a child under the age of sixteen years, who abandons the child in destitute circumstances and willfully omits to furnish necessary and proper food, clothing or shelter for such child is guilty of felony, punishable by imprisonment for not more than two years, or by a fine not to exceed one thousand dollars, or by both. In case a fine is imposed the same may be applied in the discretion of the court to the support of such child. Proof of the abandonment of such child in destitute circumstances and omission to furnish necessary and proper food, clothing or shelter is *prima facie* evidence that such omission is willful. The provisions of

section seven hundred and fifteen of this code prohibiting the disclosure of confidential communications between husband and wife shall not apply to prosecutions for the offense here defined. A previous conviction or convictions of felony or misdemeanor shall not prevent the court from suspending sentence upon a conviction under this section, or from arbitrarily fixing the limit of imprisonment or fine, in case imprisonment or fine is imposed upon conviction herein.

§ 2. Nothing in this act contained shall be deemed or construed to repeal, amend, impair or in any manner affect the provisions of sections two hundred and eighty-seven, two hundred and eighty-eight or two hundred and eighty-nine of the penal code or any other existing provisions of law relating to abandonment or other acts of cruelty to children.

§ 3. This act shall take effect September first, nineteen hundred and five.

Chap. 169.

AN ACT to legalize and provide for the payment of certain bonds of the village of Little Valley.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The additional electric light bonds for the sum of five thousand dollars sold by the board of trustees of the village of Little Valley under the authority conferred by a vote of the inhabitants of the village at an election held on the seventeenth day of March, nineteen hundred and three, which said bonds bear date June one, nineteen hundred and three, are for two hundred and fifty dollars each, and are payable serially, the first to become due June one, nineteen hundred and eight, and one on the first day of June in each year thereafter until and including the year nineteen hundred and twenty-eight, with interest at four per centum, payable semi-annually, and the acts and proceedings of the board of trustees of the village, the inhabitants at such election, and of the water and light commissioners relative to the issue and sale of such bonds, are hereby legalized,

ratified and confirmed, and such bonds are hereby declared to be valid and subsisting obligations of the village of Little Valley, and shall be paid, principal and interest, according to the terms thereof. None of such bonds shall be deemed to be invalid, nor shall the validity thereof be in any way affected or questioned by reason of any informality or defect in the notice advertising such bonds for sale, or in the sale thereof, and such bonds shall be deemed as valid as if such notice and sale had conformed in all respects to the requirements of the village law.

§ 2. Nothing in this act contained shall affect any pending action or legal proceeding involving the validity of any of said bonds.

§ 3. This act shall take effect immediately.

Chap. 170.

AN ACT to amend chapter twenty-eight, of the laws of eighteen hundred and eighty-two, entitled "An act for the support of the poor in the town of Oswegatchie, in the county of Saint Lawrence."

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter twenty-eight, of the laws of eighteen hundred and eighty-two, entitled "An act for the support of the poor in the town of Oswegatchie, in the county of Saint Lawrence," is hereby amended to read as follows:

§ 2. The office of overseer of the poor in the town of Oswegatchie is hereby abolished. There shall be a corporation in the said town by the name of "the superintendents of the poor of the town of Oswegatchie," which shall possess the usual powers of a corporation for public purposes. Frank Chapman, Daniel Wheeler, Samuel H. Palmer, Nathan Frank, Robert J. Donahue, and William Mayne, are hereby appointed such superintendents for the purpose of carrying into effect the provisions of this act. They shall be divided into three classes, and hold their offices for the periods following, that is to say: Frank Chapman and Daniel

Office of
overseer of
the poor
abolished.
Superin-
tendents of
the poor,
powers of.

Term of
office.

Wheater, shall constitute the first class, and hold their offices until the first Tuesday of March, nineteen hundred and seven; Samuel H. Palmer and Nathan Frank shall constitute the second class, and hold their offices until the first Tuesday of March, nineteen hundred and nine; and Robert J. Donahue and William Mayne shall constitute the third class, and hold their offices until the first Tuesday of March, nineteen hundred and eleven; and upon the expiration of their several terms of office, their places shall be filled by persons duly elected at the biennial town meetings held in the town of Oswegatchie for the year in which such terms of office shall expire, which elections shall be conducted in the following manner, that is to say: Each elector may place upon a separate ballot the name of one suitable person, who shall be a citizen of the United States, of full age and a resident of said town of Oswegatchie, under the words, "for superintendent of the poor," and deposit the same in a separate box to be provided for that purpose by the officers who shall preside at such town meetings; and a separate poll list shall be kept of the persons voting for such superintendents, and the two persons having the greatest number of votes, at such elections, shall be declared and deemed duly elected. And at every biennial town meeting thereafter there shall be elected, in the same manner, two persons as superintendents. The persons elected shall hold their office for the term of six years, and until others are duly elected in their places.

Election of
superin-
tendents of
the poor,
manner of.

§ 2. This act shall take effect immediately.

Chap. 171.

AN ACT to amend section seventy-e of the agriculture law, entitled, "An act in relation to agriculture constituting articles one, two, three, four and five of chapter thirty-three of the general laws."

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-e of the agricultural law, entitled "An act in relation to agriculture constituting articles one, two,

three, four and five of chapter thirty-three of the general laws," is hereby amended so as to read as follows:

Slaughter
and sale of
calves for
food.

§ 70-e. No person shall slaughter or expose for sale, or sell any calf or carcass of the same or any part thereof, unless it is in good healthy condition. No person shall sell or expose for sale any such calf or carcass of the same or any part thereof, except the hide unless it was, if killed at least four weeks of age at the time of killing. No person or persons shall bring or cause to be brought into any city, town or village any calf or carcass of the same or any part thereof for the purposes of selling, offering or exposing the same for sale, unless it is in a good healthy condition and no person or persons shall bring any such calf or carcass of the same or any part thereof except the hide into any city, town or village for the purpose of selling, offering or exposing the same for sale, unless the calf, if killed, was four weeks of age at the time of killing, provided however that the provisions of this statute shall not apply to any calf or carcass of the same or any part thereof, which is slaughtered, sold, offered or exposed for sale, for any other purpose than for food. Any person or persons exposing for sale, selling or shipping any calf or carcass of the same will be presumed to be so exposing, selling or shipping the said calf or carcass of the same for food. Any person or persons duly authorized by the commissioner of agriculture to examine any calf or veal offered or exposed for sale or kept with any stock of goods apparently exposed for sale and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when killed, he may seize the same and cause it to be destroyed and disposed of in such manner as to make it impossible to be thereafter used for food.

§ 2. This act shall take effect immediately.

Chap. 172.

AN ACT to reappropriate certain unexpended balances of former appropriations.

Became a law, April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following unexpended balances of former appropriations are hereby reappropriated for the same objects and purposes, and to be expended in the same manner, as provided in the acts making the original appropriations: The sum of two thousand five hundred dollars for the strengthening and widening of the state bridge over Cattaraugus creek at Irving, New York, as provided by chapter six hundred of the laws of nineteen hundred and three; the sum of nine thousand two hundred ninety dollars for the construction of a lift or hoist bridge over the Oswego canal at Willow street, in the city of Syracuse, together with the necessary approaches, as provided by chapter six hundred of the laws of nineteen hundred and three; the sum of three thousand three hundred ninety-seven dollars and ninety-eight cents for the repair and reconstruction of the slope wall on the south side of the feeder of the late abandoned Chemung canal in the city of Corning, as provided by chapter six hundred of the laws of nineteen hundred and three; the sum of twelve thousand nine hundred ninety-nine dollars and seven cents for the construction and completion of a masonry dam on the Beaver river as near as practicable to the existing state dam on said river of a height to maintain the pond on the existing water line, as provided by chapter six hundred seventy-nine of the laws of nineteen hundred and one and chapters five hundred seventy-three and five hundred ninety-nine of the laws of nineteen hundred and three; the sum of nineteen thousand five hundred and twenty dollars and ninety-three cents for the extraordinary repair and improvements of existing mechanical and other structures and works on and connected with the canals of this state, as provided by chapter five hundred eighty-one of the laws of nineteen hundred and three.

§ 2. This act shall take effect immediately.

Chap. 173.

AN ACT in relation to the abolishment and removal of the Kings county penitentiary.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Removal of
peniten-
tiary au-
thorized.

Section 1. Upon the passage and approval of this act the commissioner of correction of the city of New York is hereby authorized and directed, as soon as may be practicable, to commence, and within two years after the passage and approval of this act to complete, the tearing down and removal of the present Kings county penitentiary buildings and walls, the material so obtained to be used, in his discretion, in the erection of another building or buildings, upon any island within the limits of and belonging to the city of New York; or, in his discretion, the said commissioner of correction may sell said material, the money received therefrom to be paid into the hands of the comptroller of the city of New York.

New York
city peni-
tentiary,
erection of,
authorized.

§ 2. As soon as practicable after the passage and approval of this act the commissioner of correction of the city of New York shall cause plans to be made to be approved by the state commission of prisons and shall erect, furnish and complete a city prison building or buildings upon any island or islands in East river, within the city of New York, to be known as the New York city penitentiary or shall erect, furnish and complete an addition to the present city prison building or buildings on said island or islands, as, in his discretion, seems best; so that the same shall be completed and ready for use within two years from and after the passage and approval of this act, provided that the total cost shall not exceed the purchase moneys received by the city for the sale of lands herein directed.

Transfer of
inmates to
new peni-
tentiary.

§ 3. The commissioner of correction of the city of New York is hereby authorized and directed, within two years after the passage and approval of this act, to transfer and remove the inmates imprisoned in said Kings county penitentiary to the new city penitentiary or new additions above provided for, or to any

one or more of the prisons or penitentiaries now located within the limits of the city of New York, as, in his discretion, shall seem advisable. Upon the transfer and removal of the inmates imprisoned in the Kings county penitentiary, as above provided, the institution heretofore established and known as the Kings county penitentiary, located in the borough of Brooklyn, county of Kings and state of New York, shall be and is hereby abolished. Upon the transfer of the inmates imprisoned in the Kings county penitentiary, as above provided, such inmates shall, respectively, serve the sentences imposed upon them at or after the time of their conviction, in the same manner and to the same extent as though such transfer had not taken place.

§ 4. At the time of the transfer of the inmates imprisoned in the Kings county penitentiary to other prisons or penitentiaries in the city of New York, as above provided, the warden, keepers and employees then in charge and service at the Kings county penitentiary shall be transferred by the commissioner of correction to like positions, respectively, and at the same compensation, in such other prison or prisons and penitentiaries in the city of New York as said commissioner shall direct, and shall have the same right to employment, under civil service or otherwise, that they may have immediately before such transfer.

Wardens and employees to be transferred.

§ 5. Upon the abolishment of the Kings county penitentiary, as hereinbefore provided for, all magistrates and courts, in sentencing persons who, on convictions, might or should, under the provisions of law now in force, be sentenced to confinement in the Kings county penitentiary, shall thereafter sentence all such convicted persons to some other prison, penitentiary or like institution in the city of New York.

Sentences of persons convicted after abolishment of Kings county penitentiary.

§ 6. The comptroller of the city of New York is hereby authorized and directed, as soon as practicable, and within two years after the passage and approval of this act, to sell at public auction the lands upon which said Kings county penitentiary is now located, and all the lands surrounding and adjoining the same, which belong to the city of New York, subject to the right of removal of the said penitentiary buildings and walls by the city of New York. Before making such sale, the comptroller shall cause said lands to be surveyed and laid out in city building lots, and appraised in separate lots by three competent appraisers to be appointed by him. No plot or lot shall be sold at less than

Sale of lands, etc., of Kings county penitentiary authorized.

its appraised value, and shall be sold upon terms to be approved by said comptroller, which shall require the payment of not less than one-third of the purchase price in cash, with a mortgage to the city of New York, for the remainder, for not exceeding five years, with interest at not less than five per centum per annum, payable semiannually.

Purchase money received from sale of lands and buildings, application of.

§ 7. The moneys and securities received by the comptroller of the city of New York, in payment for the purchase price of the lands hereinabove directed to be sold, and from the sale of any materials from the present Kings county penitentiary buildings and walls, as above provided, shall constitute and be put into a special fund by the said comptroller, to be paid out upon the certificate of the said commissioner of correction of the city of New York for the erection, furnishing and completion of a new city prison building or buildings upon any island within the city of New York, or the erection, furnishing and completion of an addition or additions to the present city prison building or buildings on any of said islands, as, in the discretion of said commissioner, seems best, so that the said new city prison building or buildings, or said addition or additions, shall be completed and ready for use within two years from and after the passage and approval of this act. Any remainder of said fund, not necessary, in the discretion of said commissioner of correction, for the erection of such city prison building or buildings, or addition or additions, as above provided, shall remain in the hands of the comptroller of the city of New York as a special fund, to be used from time to time in the repair, alteration and improvement of the various city prisons, penitentiaries and correctional buildings in his charge.

Issue of bonds authorized.

§ 8. The comptroller of the city of New York is hereby authorized and directed, upon the request of the commissioner of correction of the city of New York, to sell revenue bonds of the city of New York in an amount not exceeding three hundred thousand dollars, to be paid into and to be charged to said special fund, hereinabove provided for, and for immediate use by the commissioner of correction for the purposes for which said fund is constituted, and to be repaid as soon as practicable from the purchase moneys received and paid into said special fund from the sale of the lands and materials of said Kings county penitentiary, as hereinabove provided.

§ 9. All acts and parts of acts in conflict with any provision or provisions of this act are hereby repealed. Laws repealed.

§ 10. This act shall take effect immediately upon its passage and approval.

Chap. 174.

AN ACT to amend chapter five hundred and seventeen of the laws of eighteen hundred and seventy-one entitled "An act to authorize the construction of a railroad from the south side railroad of Long Island, at a point in the village of Babylon, Suffolk county, to the steamboat dock, at the southern part of said village," in relation to the relaying of rails and location of track or tracks of the company, and in relation to its motive power.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred and seventeen of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the construction of a railroad from the South side railroad of Long Island, at a point in the village of Babylon, Suffolk county, to the steamboat dock, at the southern part of said village," is hereby amended to read as follows:

§ 2. The cars used on said road shall be drawn by horses mules or propelled by electric power. The rails shall be laid in a manner that will least obstruct the passage of vehicles and carriages over the same, and shall conform to the grade of the streets in the said village, as they now are or as they may be from time to time established. Said grantees shall keep the surface of the said streets inside of the rails, and for two feet outside thereof, in good and proper order and repair with the same material and in the same substantial manner as the remainder of said road-bed, and shall complete said road within two years from and after the first day of April, eighteen hundred and seventy-one. In addition to the foregoing provisions of this section as to the rails of said railroad and the laying of

Motive power, maintenance of road, time for completion of road, etc.

the same, said company when directed so to do by a majority of the board of trustees of the village of Babylon shall within thirty days thereafter relocate the whole or such portions of the rails and track or tracks of its railroad, in such portion or portions of the street or streets of said village in which such rails or track or tracks are now maintained as is so directed by the majority of the board of trustees of the village of Babylon; and in such case of relocation said company shall lay rails of a pattern and size approved by a majority of the board of trustees of the village of Babylon.

§ 3. This act shall take effect immediately.

Chap. 175.

AN ACT to amend the code of civil procedure, in relation to exemptions and executions.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen hundred and ninety-one of the code of civil procedure is hereby amended to read as follows:

§ 1391. In addition to the exemptions, allowed by the last section, necessary household furniture, working tools and team, professional instruments, furniture and library, not exceeding in value two hundred and fifty dollars, together with the necessary food for the team, for ninety days, are exempt from levy and sale by virtue of an execution, when owned by a person, being a householder, or having a family for which he provides, except where the execution is issued upon a judgment, recovered wholly upon one or more demands, either for work performed in the family as a domestic or for the purchase money, of one or more articles, exempt as prescribed in this or the last section. Where a judgment has been recovered wholly for necessaries sold, or work performed in a family as a domestic, or for services rendered for salary owing to an employee of the judgment debtor, and where an execution issued upon said judgment has been returned wholly or partly unsatisfied, and where any wages, debts, earnings, salary, income from trust funds or profits are

Property
exempt
from levy
and sale
under exe-
cution.

Judgments
for domes-
tic services
and neces-
saries.

due and owing to the judgment debtor or shall thereafter become due and owing to him, to an amount exceeding twelve dollars per week, and where no execution issued as hereafter provided for in this section is unsatisfied and outstanding against said judgment debtor, the judgment creditor may apply to the court in which said judgment was recovered or the court having jurisdiction of the same without notice to the judgment debtor and upon satisfactory proof of such facts by affidavits or otherwise, the court, if a court not of record, a judge or justice thereof, must issue, or if a court of record, a judge or justice, must grant an order directing that an execution issue against the wages, debt, earnings, salary, income from trust funds or profits of said judgment debtor, and on presentation of such execution by the officer to whom delivered for collection to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing, or may thereafter become due and owing to the judgment debtor, said execution shall become a lien and a continuing levy upon the wages, earnings, debts, salary, income from trust funds or profits due or to become due to said judgment debtor to the amount specified therein which shall not exceed ten per centum thereof, and said levy shall be a continuing levy until said execution and the expenses thereof are fully satisfied and paid or until modified as hereinafter provided. It shall be the duty of any person or corporation, municipal or otherwise, to whom said execution shall be presented, and who shall at such time be indebted to the judgment debtor named in such execution, or who shall become indebted to such judgment debtor in the future, and while said execution shall remain a lien upon said indebtedness to pay over to the officer presenting the same, such amount of such indebtedness as such execution shall prescribe until said execution shall be wholly satisfied and such payment shall be a bar to any action therefor by any such judgment debtor. If such person or corporation, municipal or otherwise, to whom said execution shall be presented shall fail, or refuse to pay over to said officer presenting said execution, the percentage of said indebtedness, he shall be liable to an action therefor by the judgment creditor named in such execution, and the amount so recovered by such judgment creditor shall be applied towards the payment of said execution. Either party

Application for execution when income of judgment debtor exceeds twelve dollars per week.

Execution to be a lien on salary.

Employers to apply salary to payment of judgment.

Liability of employers upon refusal to pay salaries.

may apply at any time to the court from which such execution shall issue, or to any judge or justice issuing the same, or to the county judge of the county, and in any county where there is no county judge, to any justice of the city court upon such notice to the other party as such court, judge, or justice shall direct for a modification as said execution, and upon such hearing the said court, judge or justice may make such modification of the said execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until fully paid and satisfied, or until further modified as herein provided.

§ 2. This act shall take effect immediately.

Chap. 176.

AN ACT relating to the paving and grading of streets and highways in the city of Mount Vernon, and authorizing such city to raise money therefor by the issue of bonds.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Paving
streets,
issue of
bonds for.

Section 1. The common council of the city of Mount Vernon is hereby authorized and empowered, by resolution adopted by it, to issue and sell bonds in the name, in behalf and upon the credit of said city, in an amount not exceeding in the aggregate under this act sixty thousand dollars, not more than twenty thousand dollars of which shall be issued in any one year, for the purpose of paying one-third of the cost of paving or grading such streets of the city as may be directed by the common council.

Execution
and terms
of bonds.

§ 2. Such bonds shall be issued in the name and under the seal of said city, shall be signed by the mayor and comptroller thereof, and shall each be for the principal sum of one thousand dollars, with interest coupons attached. They shall be payable at such time within forty years of their date as the common council shall determine, with interest at a rate not exceeding four per centum per annum, payable semi-annually and the principal and interest thereof shall be payable at the office of the

treasurer of said city. Said bonds shall be numbered consecutively, and shall be known as highway improvements* bonds, and shall be issued in such form as the common council of said city shall direct, and shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issue. The numbering of such bonds shall begin at the next higher number after the highest number of highway improvement bonds heretofore issued by the city of Mount Vernon, and the comptroller of said city shall keep a record of the number of each bond, its date, amount, rate of interest, when payable, and the number of the purchaser thereof.

§ 3. Said common council shall sell and dispose of said bonds, Sale of bonds. or any part thereof, at not less than par value and accrued interest, by public auction or by sealed proposals, after giving at least two weeks notice by publishing once each week for two successive weeks in the official newspapers of said city and in such other manner as the common council may determine.

§ 4. The money received from the sale of bonds authorized by Application of money received from sale of bonds. this act shall be used for the purpose of paying one-third of the cost of paving or grading such streets and highways of said city as may be directed to be paved or graded, by the common council of said city, upon the petition of persons owning one-half of the land fronting or abutting upon such street or highway as it is proposed to improve, and the other two-thirds of the cost of such paving or grading shall be assessed and become a lien upon the property fronting or abutting upon such street or highway so improved. The total cost of such improvement, shall be reported to the common council by the commissioner of public works, and upon the confirmation of such report by the mayor and common council, the said common council shall direct an assessment to be made of two-thirds of the cost of such improvement against the property fronting or abutting upon the street or highway so improved by the assessors of said city. Such assessment shall be made and collected in the manner provided by law for making and collecting assessments for paving and grading streets in such city.

§ 5. This act shall take effect immediately.

* So in original.

Chap. 177.

AN ACT to amend chapter two hundred and sixty of the laws of nineteen hundred and three, entitled "An act to make the office of sheriff of Livingston county a salaried one in part, and to regulate the management thereof," in relation to compensation of under-sheriff, jailer and attendants and deputy sheriffs.

Became a law, April 11, 1905, with the approval of the Governor. **Passed**, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven, of chapter two hundred and sixty of the laws of nineteen hundred and three, entitled "An act to make the office of sheriff of Livingston county a salaried one in part, and to regulate the management thereof," is hereby amended to read as follows:

Under-sheriff, deputies and jailer, appointment and compensation of.

§ 11. The said sheriff may appoint an under-sheriff a jailer, and such other attendants for the jail or prisoners as shall be prescribed by the board of supervisors of the said county from time to time. Said sheriff shall appoint such number of deputy sheriffs for said county as he shall deem necessary and may remove any of them at any time. The said sheriff shall be responsible for the official acts of the said under-sheriff, deputy sheriffs, jailer and attendants. The board of supervisors shall, by resolution at any annual session of said board, fix the salary or compensation of the said under-sheriff, jailer and other attendants for the jail or prisoners, which shall be paid monthly by the county treasurer, and said under-sheriff, jailer and attendants shall receive no fees or additional remuneration from the county for any service rendered by them. The deputy-sheriffs aforesaid shall have and receive as their sole compensation for all services rendered by them for the county, the state of New York, and the United States, the fees now prescribed by law for like services. Except that no compensation shall be paid by the county to any deputy sheriff for services rendered by him in the transportation of prisoners or other persons sentenced or committed to any prison, penitentiary or place of confinement or detention whatsoever other than the county jail of said county and it is hereby declared to be the duty of said sheriff to convey such prisoners or persons from said county jail to such place of confinement or commit-

ment, and except that the fees of deputy sheriffs for summoning jurors is fixed at fifty cents for each juror summoned and eight cents per mile for each mile necessarily traveled going and returning, and which fees shall be in lieu of all other charges for services and disbursements in summoning jurors. Each deputy thereof shall be reimbursed by the county for so much of his disbursements as such deputy sheriff, as are now a legal charge against the said county for like services, and shall present an itemized bill therefor and for his services so rendered, verified as now required by law, to the board of supervisors at its annual meeting in each year and the said board shall audit and allow the same as now provided by law. He shall account for and pay over to the treasurer of Livingston county all fees, emoluments and moneys received by him for services rendered as such deputy-sheriff in the discharge of the aforesaid duties.

§ 2. This act shall take effect immediately.

Chap. 178.

AN ACT to amend the executive law, relative to the number of notaries public.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-one of chapter six hundred and eighty-three of the laws of eighteen hundred and ninety-two, entitled "An act in relation to executive officers, constituting chapter nine of the general laws," as amended by chapter two hundred and forty-eight of the laws of eighteen hundred and ninety-three and chapter three hundred and fifty-seven of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 81. Appointment and number of notaries public.—The term of office of each notary public hereafter appointed, unless to fill a vacancy, shall be two years from the thirtieth day of March of the year in which he shall be appointed. The governor shall appoint, by and with the advice and consent of the senate, such number of notaries public in and for the several counties of the state as may be necessary, and of such number the governor is

authorized to appoint one notary for each bank applying therefor, and he may also during the recess of the senate appoint to fill existing vacancies, and notaries so appointed shall hold office for the unexpired term for which they are named without confirmation by the senate.

§ 2. This act shall take effect immediately.

Chap. 179.

AN ACT to validate the proceedings of the board of trustees, and of the qualified electors, of the village of Newark, relative to the submission and adoption of propositions to purchase the water works plant and system of the city water company of Newark, and to issue the bonds of said village to pay for the same, and to raise funds for the purpose of improving and extending said system, and to legalize the bonds to be issued for said purposes.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The resolution of the board of trustees of the village of Newark, authorizing the submission of a proposition to bond said village for the sum of fifty thousand dollars, or so much thereof as may be necessary, to purchase the water works plant and system of the city water company of Newark, and of another proposition to bond said village for the sum of fifteen thousand dollars, or so much thereof as may be necessary, to raise funds for the purpose of improving and extending said water works system, at a special election called and held on the fifth day of January, nineteen hundred and five, and the proceedings of the qualified electors of said village adopting said two propositions, and said two propositions so adopted, are hereby in all respects legalized, ratified and confirmed, notwithstanding the omission of any lawful requirement from said resolution, or propositions submitted to and adopted by the qualified electors of said village. The board of trustees of said village are hereby authorized to advertise, sell and issue the said bonds or so much thereof as may be necessary, not exceeding in amount the sum of sixty-five thousand

Proceedings
of special
election
authorizing
issue of
bonds legal-
ized.

Trustees
may issue
bonds.

dollars, pursuant to the provisions of section one hundred and twenty-nine of the general village law, the same to be payable by their terms, at such time or times, within the limitations prescribed by said section one hundred and twenty-nine, as said board shall determine, and when so advertised, sold and issued, the same are hereby declared to be the legal and valid obligations of said village of Newark.

§ 2. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court at the time this act takes effect.

§ 3. This act shall take effect immediately.

Chap. 180.

AN ACT to amend section three hundred and one of the charter of the Greater New York which was reenacted in section three hundred and one of chapter four hundred and sixty-six of the laws of nineteen hundred and one, relative to the police department.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and one of the charter of the Greater New York which was reenacted in section three hundred and one of chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended so as to read as follows:

§ 301. Police commissioner, et cetera, may issue subpoenas; who may administer oaths.—The police commissioner and his deputies shall have power to issue subpoenas, attested in the name of the police commissioner, and to exact and compel obedience to any order, subpoenas or mandate issued by them, and to that end may institute and prosecute any proceedings or action authorized by law in such cases. He or either of his deputies may in proper cases issue subpoenas duces tecum. Such police commissioner may devise, make and issue process and forms of proceedings to carry into effect any powers or jurisdiction possessed by him. The police commissioner, each of his deputies,

the chief clerk and the first and second deputy clerks of said department are hereby authorized and empowered to administer oaths and affirmations in the usual or appropriate forms, to any person in any matter or proceedings authorized as aforesaid, and in all matters pertaining to the police department, or the duties of any officer or other person in matters of or connected with said department and to administer oaths of office which may be taken or required in the administration or affairs of said department, and to take and administer oaths and affirmations, in the usual or appropriate forms, in taking any affidavit or deposition which may be necessary or required by law or by any order, rule, or regulation of the police commissioner for or in connection with the official purposes, affairs, powers, duties or proceedings of said police department, or of said police commissioner, or member of the police force, or any official purpose lawfully authorized by said commissioner. Any person making a complaint that a felony or a misdemeanor has been committed may be required to make oath or affirmation thereto, and for this purpose the police commissioner, each of his deputies, the chief clerk, or deputy clerks of the police department, the inspectors, captains and sergeants of police shall have power to administer oaths and affirma-

§ 2. This act shall take effect immediately.
*tions.

Chap. 181.

AN ACT to amend chapter one hundred five of the laws of eighteen hundred ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the several acts amendatory thereof and supplementary thereto, with reference to the police force.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section two hundred and eleven of chapter one hundred five of the laws of eighteen hundred

Act
amended.

* So in original.

ninety-one, entitled "An act to revise the charter of the city of Buffalo," as amended by chapter seven hundred two of the laws of eighteen hundred ninety-nine, chapter five hundred fifty-one of the laws of nineteen hundred two and chapter three hundred ninety-five of the laws of nineteen hundred four, is hereby amended to read as follows:

3. To any member of the force who, by long service and exposure while in the actual service of the department, shall have contracted any disease or disability, which incapacitates him permanently from performing full police duty, without fault or misconduct on his part, upon his retiring from the service or being dismissed on account of such disease or disability, the sum of three hundred dollars per year, if he has served as such member for ten years; and for each year he shall have served as such member in excess of ten years the amount of pension to which he is entitled under the provisions of this act shall be increased each year by the sum of twenty dollars until the total amount shall reach the sum of six hundred dollars. Pensions provided for in the second and third subdivisions above shall not be granted except upon the sworn certificate of the surgeon of the police, and upon the unanimous resolution to that effect by the members of the board of trustees of the police pension fund. Upon the resignation of any member of the police force who shall have served as such for a period of thirty-five years or upward, where at the time of such resignation such member is not incapacitated from full police duty by reason of disease or disability, the board of trustees of the police pension fund may, in its discretion, grant to such member a pension not exceeding one-half of the annual salary received by such member at the time of his resignation from the police force, and a pension may be granted under this provision without the sworn certificate of the surgeon of police, as hereinbefore provided. The police matrons shall be granted the privileges of this fund, so far as it relates to their children. Nothing herein contained shall affect the claim of any annuitant to whom any annuity has heretofore been allowed from the police life insurance fund, but such annuity shall be paid by the treasurer out of the police pension fund, so long as the board shall so direct, the same as if the claim thereto had arisen subsequent to the time when this act shall take effect. And the board of trus-

Service
pensions
for mem-
bers of po-
lice force.

Rights of
annuitants
not affected
by this act.

Pensions to widows of deceased members. **Computation of time of service.**

tees may, in their discretion, and by a majority vote and in accordance with the provisions of this act, grant pensions to widows of deceased members, and to annuitants under the police life insurance fund, where death or retirement has occurred prior to the passage of this act, and has been caused by disability acquired in the service of the department. In computing the time of service of any member of the police force for the purpose of this section, the term of service of such member on any regular police or fire department force of the city or upon the park police force of the city as formerly constituted, shall be computed and taken the same as service on the police force of the city, and it shall not be deemed necessary for the purposes of this section that such service shall have been continuous. In computing the time of service of hostlers or prison van drivers for the purposes of this section, the term of service which they shall have served as employees of the police department previously to being made members of the police force, shall be computed and allowed the same as service rendered on the police force of the city. All officers who are retired under the provisions of this act and who are drawing pay from the said pension fund may, when able to act, perform duty in case of emergency, and may be accepted to perform temporary duty by the commissioners when satisfied that they are able to serve. While so serving on temporary duty they shall be entitled to receive compensation not exceeding three dollars per day, in the discretion of and to be fixed by the board, for every day or part of a day that they shall so serve, in addition to their pension, which shall not be in any manner affected by such temporary service. All pensions provided for herein shall be payable monthly and shall be exempt from attachment and execution.

§ 2. This act shall take effect immediately.

Chap. 182.

AN ACT to amend the charter of the city of Lockport, generally.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections seventy-three, ninety-five, one hundred and one, one hundred and four, one hundred and five, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and twenty, one hundred and ninety-eight, and two hundred and thirty-one, of chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," and the several acts amendatory thereof and supplemental thereto, are hereby amended so as to read as follows:

§ 73. The sealer of weights and measures shall be a practical mechanic, competent to perform the duties of his office. He shall possess the same powers and be subject to the same duties as sealer of weights and measures in the towns of said counties, and the laws applicable to weights and measures, and to sealers thereof in towns, shall be applicable to said city and said city sealer of weights and measures, except that said sealer shall be entitled to receive for his services instead of the fees prescribed by section sixteen of the domestic commerce law, an annual salary of three hundred dollars per year, payable monthly. He shall in addition to his other duties as often as shall be necessary and at least once in each year, procure the weights and measures used by every person keeping any store, grocery or other place in said city for the sale or purchase of such commodities as are usually sold by weight or measure, to be compared with the official standards in his possession, and he shall from time to time as such duties are performed, cause to be entered in a book kept for that purpose in the city clerk's office in the city of Lockport, the names of each and every person whose weights and measures he has caused to be sealed; the number and kind of such weights and measures, and the date of such sealing. It shall be the duty of every person keeping any store, grocery or other place in said

Sealer of weights and measures, qualifications and duties of.

Store-keepers to compare their weights and measures with official standards.

city for the sale or purchase of such commodities as are usually sold by weight or measure, at least once in each year, to procure the weights and measures used by him to be compared with the official standards in the custody of said sealer, and every such person shall be subject to a fine of five dollars for every neglect to comply with this provision, to be recovered by any person who shall prosecute therefor. Any sealer of weights and measures of the city of Lockport who shall receive any sum of money, gift, or gratuity for the performance of any of his duties under this section other than the salary herein provided, or who shall enter in the record book in the city clerk's office, any record of unsealed weights or measures shall be guilty of a misdemeanor.

Policemen, appointment and terms of.

§ 95. The board shall have power, by the affirmative vote of at least three commissioners, to appoint^a a chief of police, and nine policeman,* one of whom may be designated by the board as a police sergeant, and from time to time additional policemen not to exceed together with said nine policeman,* one for each twelve hundred of population of said city; said board shall also have power to appoint a doorman for each police station within said city and prescribe his duties. If any policeman or doorman shall be unable to perform the duties of his office in consequence of sickness or temporary absence from the city the board of police commissioners shall have the power to appoint some proper person to temporarily act as a policeman or doorman during the continuance of such absence or disability. The salary for any such temporary policeman shall be fixed by the police board; and shall not exceed sixty dollars per month. Each appointment shall be evidenced by a commission naming the appointee, signed by at least three commissioners, which shall be immediately filed in the office of the city clerk. Every person so appointed, except those temporarily appointed shall hold office until removed for some cause or causes hereinafter specified.

Salaries of members of police force.

§ 101. The salary of the chief of police shall be at the rate of one thousand dollars per year, of the police sergeant at the rate of nine hundred dollars a year, and each policeman and doorman at the rate of seven hundred twenty dollars per year for the first three years of service; and at the rate of seven hundred eighty dollars per year for each subsequent year of service; they shall severally be allowed the usual travel fees in serving criminal

* So in original.

process beyond the city limits, or for conveying convicts to a prison outside of said city.

§ 104. There shall be a fire department in said city for the prevention and extinguishment of fires. It shall consist of four fire commissioners, a chief engineer, a first assistant engineer, a second assistant engineer, a superintendent of fire alarm, such employees and subordinates as may be found necessary from time to time, and a competent number of able bodied firemen, inhabitants of said city, who shall be organized into companies not exceeding six in number. At the first regular meeting of the common council in January, nineteen hundred and one, or as soon thereafter as may be, the mayor shall appoint two fire commissioners, who, with the two fire commissioners whose terms have not expired, shall constitute the board of fire commissioners, and be the head of the fire department. Two of such commissioners shall be selected from one of the two principal political parties then existing, and the other two shall be selected from the other of said principal political parties. One of the four commissioners shall be an honorably discharged fireman. Annually thereafter the mayor shall appoint two fire commissioners to serve two years. Such appointment shall be so made that all times the nonpartisan character of the board, as herein contemplated shall be preserved and so that an honorably discharged fireman shall at all times be a member thereof. The terms of office of each of said other officers of the fire department shall be one year. The fire commissioners thus appointed shall meet within one week thereafter and organize by electing one of their number president. After organizing the board shall hold at least one regular meeting in each month, at the common council rooms, or at such other place as it may select. It shall make rules to govern its proceedings, and three commissioners shall be a quorum for the transaction of business at the meetings of said board. No fire commissioner shall receive compensation for his services, nor be interested in the purchase, sale or leasing of lands for the use of the fire department, nor in the construction or repair of engine or other houses thereof, nor in the purchase or sale of apparatus, supplies or property of any kind for the use of the fire department. A wilful violation hereof shall be a misdemeanor. The city clerk shall be an ex-officio clerk of the board of fire commissioners. He shall attend the meetings thereof,

Fire department, how constituted

Fire commissioners, appointment, qualifications and terms of.

Organization of commissioners.

City clerk, duties of.

keep full minutes of all its proceedings in proper books provided therefor, file and carefully preserve all accounts, papers and documents relating to the business of said department, and perform such other clerical services as may be required by the board. He shall not receive additional compensation for said services. All claims against said city growing out of or in any way arising from the operation, management and maintenance of the fire department shall be presented to the board of fire commissioners for examination and approval before the same shall be presented to the common council for audit. The board shall not order the expenditure of any money or make any contract except by a majority vote of all its members, which vote shall be taken by yeas and nays and entered in the minutes. No expenditure or contract involving the expenditure of a sum in excess of two hundred and fifty dollars shall be made without the consent of the common council, and before the board shall enter into a contract for the performance of any work, the expense of which shall exceed the sum of two hundred and fifty dollars, it shall, after having obtained the common council's consent, cause a notice to be published in three successive numbers of the official paper, inviting proposals for the same, according to plans and specifications then on file in its office, and such contract shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the board reject all bids therefor, which it may do. The board shall, on or before the first day of August, in each year, make and present to the common council a certified written estimate of the cost of maintaining and operating the fire department for the ensuing fiscal year, and the sum so certified, which shall not be more than fourteen thousand dollars, shall be included in the next general city tax levy and constitute the fire fund. The city treasurer shall pay money therefrom only as directed by the common council. The board shall not create any debt or pecuniary obligation or liability whatever against the city, on account of the fire department, or otherwise, which shall not be payable in the current fiscal year, and cannot be discharged and paid from the income of the same year; any fire commissioner wilfully voting therefor when said fund is exhausted shall be guilty of a misdemeanor. At some regular meeting of the common council in each of the months of January, April, July and October in each year, and at such other

Orders for
expenditure
of money.

Board to
submit cost
of main-
taining fire
depart-
ment.

Reports of
fire com-
missioners.

times as the common council may require, the board shall report in writing to the common council, showing the amount of money in the fire fund at the beginning and at the end of the three months next preceding the month in which said report shall be made, and the expenditure in detail made by the board during said period. Said January and July reports shall also state fully the condition of the department as to the efficiency and discipline of the several companies, the number and origin of the fires occurring during the year, and any other pertinent matters. They shall be accompanied by a complete inventory of all property of the department then on hand with a statement of its condition. Said reports and inventory shall be filed with the city clerk, and said reports shall be immediately published by the common council as a part of its proceedings. The office of fire-warden is hereby abolished.

§ 105. The board may prescribe rules whereby the several companies may nominate candidates for chief engineer, first assistant engineer, second assistant engineer, and new members of the companies, and certify the same to the board. The board may confirm or reject all or either of said nominations, or may appoint all or either of said officers or new members of said companies without such nominations, in cases provided by their rules and regulations. The board shall appoint said superintendent of fire alarm. The appointment of the officers aforesaid shall be at the first regular meeting of the board after the annual charter election, or as soon thereafter as may be, and shall require a concurring vote of a majority of all the fire commissioners, to be taken by yeas and nays, and entered in their minutes of proceedings. Every appointment by the board shall be evidenced by a commission, signed by at least three commissioners, and filed in the office of the city clerk.

Election of officers and members of fire companies.

§ 107. The board shall fix the compensation of the chief engineer, which shall not exceed one hundred and fifty dollars per annum; of the superintendent of fire alarm, which shall not exceed six hundred dollars per annum; and the amount to be allowed annually to each company, which shall not exceed two hundred and seventy-five dollars to each. After January first, nineteen hundred and six, the compensation of the chief engineer shall be not to exceed eight hundred dollars per annum, and that

Salaries of chief engineer and superintendent of fire alarm.

of the superintendent of fire alarm, shall be not to exceed seven hundred and fifty dollars per annum; to be fixed by said board.

Chief engineer,
duties of.

§ 108. In addition to such other duties as shall be prescribed by the board, it shall be the duty of the chief engineer in said city to perform all the duties imposed upon inspectors of buildings by chapter seven hundred and seventy-three of the laws of eighteen hundred and sixty-five, and the acts amendatory thereof or supplemental thereto, in reference to examining premises where petroleum, earth or rock oils, or any of its products, are or shall be kept or stored, and the reporting of violations of said act or acts.

Examination of
buildings
for prevention of fires.

§ 109. Any member of the board of fire commissioners, the chief engineer, and each assistant engineer shall have power at all reasonable times to enter and examine any premises within the city, and they shall report to the common council all violations of any statute or ordinance for the prevention of fires.

Ordinances relating to
dangerous chimneys,
etc., prevention of
fires, etc.

§ 120. The common council shall have the power by resolution or ordinance for the purpose aforesaid, to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, steam boilers, ovens, coppers, still, furnaces and apparatus, in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to enforce the cleaning and sweeping of chimneys, and license chimney-sweeps, and to regulate the dimensions of chimneys to be afterward built so as to admit chimney-sweeps to sweep and clean them; to regulate and prevent the carrying on of manufactures dangerous in creating or promoting fires, and to prevent, regulate or control the use of fireworks or firearms in said city, and to authorize the mayor, police justice, aldermen, chief engineer, assistant engineers, and other officers of said city to keep from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention or extinguishment of fires as it may deem expedient.

Improvement and
repair of
streets.

§ 198. The common council may by resolution declare a street or specified portion of a street to be an improved street, in cases

where the same has been or may be permanently improved from local assessment by paving, macadamizing or graveling, and thereafter there shall be annually set apart from the money raised in said city by general tax for highway purposes, to the repairing and maintenance of such street or specified portions of a street, such part of said highway moneys as shall have been levied upon the lands originally assessed for such permanent improvement of said street or portion thereof, or so much thereof as the common council shall determine to be sufficient for such repairs and maintenance. Whenever the sum to be set apart for any improved street, or portion thereof, shall, in the judgment of the common council, be insufficient for the proper repairing and maintenance of such improved street or part thereof, the said common council may, at the time the annual city taxes are levied and assessed, cause to be levied and assessed in the same roll, upon the real estate originally assessed for such permanent improvement, such further additional sum as may be necessary for such proper repairing and maintenance, which further and additional sum shall be so levied and assessed upon such real estate in proportion and according to its assessed valuation upon such roll, and the same shall be used for no other purpose than that for which it was levied and assessed; but whenever, in any year, the sum so set apart for the repair or maintenance of any paved street thus declared to be an improved street, shall be found to be in excess of the amount required in that year, the common council may, in its discretion, direct such excess to be repaid into the general highway fund. An additional sum in this section authorized to be levied may, when the owners of one-third of the assessable property petition therefor, include an amount to be used for the sprinkling of such improved street with water to lay the dust therein when necessary. The common council may let by contract to the lowest bidder, for any period not however in excess of three years, the cleaning of such improved streets as it shall, by resolution, designate, and the expense thereof shall be paid from the highway fund. Nothing in this section contained however, shall be construed to prevent the cleaning of such improved streets or any part thereof, by and under the direction of the mayor and superintendent of streets as herein otherwise provided.

Tax for
miscellaneous
purposes.

§ 231. The common council shall have power in each year to cause a sum not exceeding seventy-one thousand one hundred fifty dollars, to be raised by general tax in said city, whereof they may expend in each fiscal year for the several purposes hereinafter in this section specified, a sum not exceeding the amounts hereinafter severally designated therefor, namely: For the payment of the expenses of the police department, including the salary of the police justice, chief of police and policemen, rent of police stations and all other expenses thereof, seventeen thousand dollars to be known as the police fund. For the payment of incidental expenses of repairing and keeping in order the highways, streets, sewers, open courts, squares, market places, lanes, alleys and public grounds, other than parks, ten thousand dollars to be known as the highway fund. For the construction, maintenance and repair of crosswalks during each fiscal year, two thousand five hundred dollars, to be known as the crosswalk fund. For the construction, maintenance and repair of bridges, culverts and reservoirs, one thousand five hundred dollars, to be known as the bridge, culvert and reservoir fund. For the maintenance, repairing and keeping in order the public parks, eight hundred dollars, to be known as the park fund. For the operation and maintenance of the fire department, such sums as shall in each year be estimated by the common council as necessary therefor, but not exceeding the sum of fourteen thousand dollars to be known as the fire fund. For the purposes of the board of health, one thousand five hundred dollars, to be known as the health fund. For the maintenance of the Flager hospital, one thousand dollars, to be known as the Flager hospital fund. For the purpose of providing public amusement the sum of four hundred dollars, to be known as the public amusement fund. For the payment of the salaries of officers not otherwise provided for, rent of rooms for common council and city clerk, and rents not otherwise provided for, and the other contingent expenses of said city, twenty-one thousand dollars to be known as the salary and contingent fund. For the purpose of operating the liftbridge at Chapel street over the Erie canal, the sum of one thousand two hundred dollars, to be known as the liftbridge fund. For the erection, maintenance and repair of street signs at street intersections two hundred fifty dollars to be known as the street sign

fund. And in addition to the sum in this section first mentioned, the common council shall have power in each year in like manner to raise such sum as may be necessary, not exceeding ten thousand seven hundred fifty dollars, to pay one-half of the expense of the lighting and maintenance of the lamp district, in addition to the tax provided for in section one hundred and thirty-two, to be known as the street lighting fund; and also upon the real property within the water district such sum as shall in each year be estimated by the water board for the maintenance and operation of the water works of said city for the ensuing fiscal year, not exceeding five thousand dollars, to be known as the water fund; and also such sums as shall be estimated and certified by the board of education for the city of Lockport, in pursuance of chapter fifty-one of the laws of eighteen hundred and forty-seven, and the acts amendatory thereof, to be known as the school fund; and also in each year, any sum necessary to pay and satisfy any final judgment for money that shall have been recovered against said city, as provided by chapter five hundred and fifty-four of the laws of eighteen hundred and eighty. And also in each year, such sums as may be necessary to pay all election expenses and the insurance, care, storage and repair of election booths, to be known as the election fund; also in each year any such sum necessary to pay the expense of any appeal duly authorized by said common council, taken by the supervisors of the city of Lockport, or any of them, from any act or decision of the board of supervisors of the county of Niagara, in the equalization of assessments, and the correction of the assessment rolls, to the board of state assessors, and said common council may issue bonds when necessary, to pay such expenses, prior to the raising of money to pay the same as herein provided.

§ 2. This act shall take effect immediately.

Chap. 183.

AN ACT authorizing the comptroller of the city of New York to hear, audit, determine and allow the alleged claim of William Booth for furnishing work, labor and materials, in grading, regulating and curbing certain highways and avenues in the town of Newtown, in the borough of Queens, city of New York, and to provide for the payment of such claim.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Investigation of claim by comptroller.

Section 1. The comptroller of the city of New York, is hereby authorized, in his discretion, to inquire into the facts relative to the justness of the claim of William Booth against the town of Newtown, and its successor, the city of New York, amounting to seven thousand two hundred and twenty-five and fifty one-hundredths dollars, for rendering and performing certain work, labor and services, and furnishing certain materials in regulating and curbing Pullis avenue and Fiske avenue in Newtown, borough of Queens, in the city of New York, in the months of June and October, eighteen hundred and ninety-nine, pursuant to and under a certain contract or agreement made by the highway commissioners and supervisor of the said town of Newtown, in the borough of Queens, city of New York.

Conditions upon which comptroller may audit claim.

§ 2. The said comptroller of the city of New York, in dealing with the matters aforesaid, may treat the same as matters of fact without regard to the question whether the said work, labor, services and materials were legally furnished or legally ordered by the said highway commissioners and supervisor of the town of Newtown, and if it shall appear to the satisfaction of the said comptroller that the said work, labor, services and materials were actually furnished and delivered and were actually ordered from, directed or contracted for with said William Booth, by the said highway commissioners and said supervisor of the town of Newtown while the said highway commissioners or the said supervisor were acting in good faith in the public interests in their or his official capacity, and that the fair or reasonable value

of the said work, labor, services and materials as aforesaid was the total sum of seven thousand two hundred twenty-five and fifty one-hundredths dollars, the said comptroller may so certify in writing and file the same in the office of the comptroller of the city of New York, or if such comptroller shall decide that the said work, labor, services and materials as aforesaid were reasonably worth any lesser sum than the sum total mentioned above, then he may so certify in writing, and may also certify the reasonable value thereof in either event and file the same in the office of the comptroller of the city of New York, and in case the said comptroller may determine upon a just and reasonable amount to be paid to the said William Booth for the work, labor, services and materials as aforesaid, so furnished, said comptroller may thereupon, and he is hereby authorized and empowered in his discretion to pay for the same at such fair and reasonable value as shall be fixed by him, together with interest on the aggregate sum so certified, and the said comptroller is hereby authorized and empowered to issue and sell revenue bonds of the city of New York as provided by law in an amount sufficient to pay the sum of money so certified as aforesaid; and in that event the sum necessary to pay said revenue bonds shall be included in the estimate made by the board of estimate and apportionment, for the expenses of said city for the year nineteen hundred and five.

§ 3. This act shall take effect immediately.

Chap. 184.

AN ACT to amend chapter six hundred fifteen of the laws of eighteen hundred ninety-four, entitled "An act to revise the charter of the city of Elmira," in relation to the police force.

Accepted by the city.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred eighty-eight of chapter six hundred fifteen of the laws of eighteen hundred ninety-four, entitled

"An act to revise the charter of the city of Elmira" as amended by chapter forty-three of the laws of nineteen hundred one, and chapter three hundred sixty-seven of the laws of nineteen hundred four, is hereby amended to read as follows:

Officers and
members of
police force,
appoint-
ment of.

§ 188. The board of police may, by the vote of four members, and it shall be their duty to appoint a chief of police of said city, and to appoint from the regular police force one inspector, one captain, one detective sergeant, two roundsmen, and one or more regular police constables. The said board of police may appoint other members of the regular police force to such other offices as said board, in its discretion, may deem necessary and proper, all such appointments to be made by the concurring vote of at least four members. The said board may, by like vote by which such appointments are made, respectively, from time to time, in its discretion, change any of such appointments. The said board of police shall prescribe the duties, respectively, of the chief of police, the inspector, the captain, the detective sergeant, the roundsmen, the police constables, and such other subordinate officers as may be designated by it as aforesaid, which duties, however, shall not be inconsistent with this act nor with the statutes of this state. The said board of police commissioners may, in its discretion, employ not to exceed two patrol drivers.

§ 2. This act shall take effect immediately.

Chap. 185.

AN ACT to amend chapter twenty-six of the laws of eighteen hundred and eighty-five entitled "An act to revise, amend and consolidate the several acts relative to the city of Syracuse, and to revise and amend the charter of said city" relative to ward boundaries.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section four of chapter twenty-six of the laws of eighteen hundred and eighty-five entitled "An act to revise,

amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city " as amended by chapter three hundred and sixty-eight of the laws of eighteen hundred and eighty-seven and chapter one hundred and ten of the laws of eighteen hundred and ninety and chapter five hundred and seventy-one of the laws of eighteen hundred and ninety-two and chapter three of the laws of eighteen hundred and ninety-three and chapter ten hundred and ten of the laws of eighteen hundred and ninety-five and chapter eighty-one of the laws of eighteen hundred and ninety-eight and chapter three hundred and sixty-one of the laws of eighteen hundred and ninety-nine and chapter one hundred and five of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 4. The city shall be divided into nineteen wards bounded and described, respectively, as follows:

Subdivision 1. **First ward.**—All that part of said city bounded as follows: Beginning in the northeasterly line of said city at its intersection with the center line of Court street and running thence southwesterly along the center line of said street to the center of the Oswego canal; thence southeasterly along the center line of said canal to a point in range with the southeasterly line of marsh lot number thirty-four; thence southwesterly to and along said line of marsh lot number thirty-four to the center of Onondaga creek; thence down along the center of the present channel of said creek and the same prolonged into Onondaga lake to the northwesterly line of the city; thence northeasterly and southeasterly along said city line to the place of beginning, shall constitute the first ward.

Subdivison 2. **Second ward.**—All that part of said city bounded as follows: Beginning in the northeasterly line of said city, at its intersection with the center line of Court street, and running thence southwesterly along the center line of said street to the center of the Oswego canal; thence southeasterly along the center of said canal to a point opposite the center of Division street; thence northeasterly along the center of said street to the center of Townsend street; thence northwesterly along the center of Townsend street to a point opposite the center of Pond street; thence northeasterly along the center of Pond street to the northerly line of Third North street; thence easterly along

said northerly line of Third North street to the city line; and thence northwesterly along the same to the place of beginning, shall constitute the second ward.

Subdivision 3. Third ward.—All that part of said city bounded as follows: Beginning in the center of the Oswego canal at a point opposite the center of Division street; thence southeasterly along the center line of said canal to a point opposite the center of Butternut street; thence northeasterly and northerly along the center line of Butternut street to the city line; thence northwesterly along the city line and the northerly line of Third North street to the center line of Pond street; thence southwesterly along the center line of Pond street to the center line of Townsend street; thence southeasterly along the center line of Townsend street to the center line of Division street; and thence southwesterly along the center line of Division street to the place of beginning, shall constitute the third ward.

Subdivision 4. Fourth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center line of James street with the center line of Lodi street; thence northeasterly along the center line of James street to the city line; thence northerly, westerly, northerly, westerly, southerly and westerly along the city line to the center line of Butternut street; thence southwesterly along the center line of Butternut street to the center line of Lodi street; thence southeasterly along the center line of Lodi street to the center line of Willow street; thence southwesterly along the center line of Willow street to the center line of Catherine street; thence southeasterly along the center line of Catherine street to the center line of Wayne street; thence northeasterly along the center line of Wayne street to the center line of Lodi street, and thence northwesterly along the center line of Lodi street to the place of beginning shall constitute the fourth ward.

Subdivision 5. Fifth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center of the Erie canal opposite the center of Catherine street, and running thence easterly along the center of the Erie canal to the city line; thence northerly along the city line to the center of James street; thence southwesterly along the center line of James street to the center line of Lodi street; thence southeasterly along the center line of Lodi street to the center of Green street; thence southwesterly

along the center line of Green street to the center of Catherine street, and thence southerly along the center line of Catherine street to the place of beginning shall constitute the fifth ward.

Subdivision 6. Sixth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of the Erie and Oswego canals; running thence easterly along the center line of the Erie canal to a point opposite the center of Catherine street; thence northerly along the center line of Catherine street to the center of Green street; thence northeasterly along the center line of Green street to the center of Lodi street; thence northwesterly along the center line of Lodi street to the center of Wayne street; thence southwesterly along the center line of Wayne street to the center of Catherine street; thence northwesterly along the center line of Catherine street to the center of Willow street; thence northeasterly along the center line of Willow street to the center of Lodi street; thence northwesterly along the center line of Lodi street to the center of Butternut street; thence southwesterly along the center line of Butternut street to the center of the Oswego canal; and thence southerly along the center of the Oswego canal to the place of beginning shall constitute the sixth ward.

Subdivision 7. Seventh ward.—All that part of said city bounded as follows: Beginning at the intersection of the center of the Oswego canal with the center of West Belden avenue and running thence northerly along the center of the Oswego canal to a point in range with the southeasterly line of Marsh lot number thirty-four; thence southwesterly to and along said line of Marsh lot number thirty-four to the center of Onondaga creek; thence down along the center of the present channel of said creek and the same prolonged into Onondaga lake to the northwesterly line of the city; thence southwesterly along said city line to the center of the Erie canal; thence southeasterly along the center of the Erie canal to a point opposite to a center line of Harbor brook; thence northwesterly along the center of Harbor brook to the center of West Genesee street; thence easterly along the center line of West Genesee street to the center of Sand street; thence northerly along the center line of Sand street to the center of West Belden avenue, and thence easterly along the center line of West Belden avenue to the place of beginning, shall constitute the seventh ward.

Subdivision 8. Eighth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of the Erie and Oswego canals; running thence westerly along the center of the Erie canal to a point opposite to a center line of Harbor brook; thence northwesterly along the center of Harbor brook to the center of West Genesee street; thence easterly along the center line of West Genesee street to the center of Sand street; thence northerly along the center line of Sand street to the center of West Belden avenue; thence easterly along the center line of West Belden avenue to the center of the Oswego canal, and thence southerly along the center of the Oswego canal to the place of beginning, shall constitute the eighth ward.

Subdivision 9. Ninth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of the Erie canal and West Genesee street; thence westerly along the center line of West Genesee street to the city line; thence northerly, easterly and northerly along the city line to the center of the Erie canal and thence southeasterly along the center of the Erie canal to the place of beginning, shall constitute the ninth ward.

Subdivision 10. Tenth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of the Erie canal and West Genesee street; thence westerly along the center line of West Genesee street to the city line; thence southerly, westerly, southerly, easterly, southerly and easterly along the city line to an angle in the city line at Bellevue avenue; thence easterly along the center line of Bellevue avenue to the center of South Geddes street; thence northerly along the center line of South Geddes street to the center of the Erie canal; and thence northwesterly along the center of the Erie canal to the place of beginning, shall constitute the tenth ward.

Subdivision 11. Eleventh ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of the Erie canal and South Geddes street; running thence southerly along the center line of South Geddes street to the center of Gifford street; thence easterly along the center line of Gifford street to the center of Onondaga creek; thence northerly along the center of Onondaga creek to the center of the Erie

canal; thence westerly along the center of the Erie canal to the place of beginning, shall constitute the eleventh ward.

Subdivision 12. Twelfth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of South Geddes and Gifford streets; running thence southerly along the center line of South Geddes street to the center of Delaware street; thence southeasterly along the center line of Delaware street to the center of Tallman street; thence easterly along the center line of Tallman street to the center of Onondaga creek; thence northerly along the center of Onondaga creek to the center of Gifford street, and thence westerly along the center line of Gifford street to the place of beginning, shall constitute the twelfth ward.

Subdivision 13. Thirteenth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of South Geddes and Delaware streets; running thence southerly along the center line of South Geddes street to the center of Bellevue avenue; thence westerly along the center line of Bellevue avenue to an angle in the city line; thence southerly, southeasterly, easterly, southerly, easterly, southerly, northeasterly, southerly, northeasterly, easterly, southeasterly, easterly, northwesterly, along the city line to the westerly bank of Onondaga creek; thence northerly, northeasterly, northerly and northwesterly along the westerly bank of Onondaga creek to Cortland avenue; thence northerly along Cortland avenue to the center of West Kennedy street; thence easterly along the center line of West Kennedy street to the center of Midland avenue; thence northerly along the center line of Midland avenue to the center of Onondaga creek; thence northerly along the center of Onondaga creek to the center of Tallman street; thence westerly along the center line of Tallman street to the center of Delaware street; thence northwesterly along the center line of Delaware street to the place of beginning, shall constitute the thirteenth ward.

Subdivision 14. Fourteenth ward.—All that part of said city bounded and described as follows: Beginning in the center of the Erie canal in range with the center of Montgomery street and running thence southerly to and along the center line of said street to the center of Jefferson street; thence east along the center line of Jefferson street to the center of the south part

of Montgomery street; thence southerly along the center line of Montgomery street to the center line of Burt street; thence westerly along the center line of Burt street to the center line of South Salina street; thence southerly along the center line of South Salina street to a point opposite the center line of Cortland avenue; thence southwesterly along the center line of Cortland avenue to the center of West Castle street; thence westerly along the center line of West Castle street to the center of Midland avenue; thence northerly along the center line of Midland avenue to the center line of Onondaga creek; thence northerly down along the center of said Onondaga creek to the center of the Erie canal, and thence easterly along the center of the Erie canal to the place of beginning, shall constitute the fourteenth ward.

Subdivision 15. Fifteenth ward.—All that part of said city bounded as follows: Beginning in the center of the Erie canal in range with the center line of Montgomery street and running thence southerly to and along the center line of said street to the center of Jefferson street; thence east along the center line of Jefferson street to the center of the south part of Montgomery street; thence southerly along the center line of Montgomery street to the center of East Adams street; thence easterly along the center line of East Adams street to the center of Almond street; thence northerly along the center line of Almond street to the center of the Erie canal, and thence west along the center of the Erie canal to the place of beginning, shall constitute the fifteenth ward.

Subdivision 16. Sixteenth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center of the Erie canal with the center of Almond street, and running thence southerly along the center line of Almond street to the center of Burt street; thence easterly along the center line of Burt street to the center of Renwick avenue; thence southerly along the center line of Renwick avenue to the easterly line of lands owned and occupied by the Delaware, Lackawanna and Western railroad for a right of way; thence southerly along the easterly line of said railroad lands to the northwest corner of Oakwood cemetery; thence easterly along the north line of said cemetery to the east line of farm lot number one hundred and eighty-seven of the Onondaga salt springs reservation;

thence northerly along the east line of said farm lot and the west line of College place to the center of University place; thence westerly along the center line of University place to the center of University avenue; thence northerly along the center line of University avenue to the center of the Erie canal; thence westerly along the center of the Erie canal to the place of beginning, shall constitute the sixteenth ward.

Subdivision 17. Seventeenth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center of the Erie canal with the center of University avenue, and running thence southerly along the center line of University avenue to the center of University place; thence easterly along said center line of University place to the west line of College place; thence southerly along the west line of College place and the east line of farm lot number one hundred and eighty-seven of the Onondaga salt springs reservation to the south line of said reservation; thence easterly along the said reservation line to the east line of said city; thence northerly along the said city line to the center of the Erie canal, and thence westerly along the center of the Erie canal to the place of beginning, shall constitute the seventeenth ward.

Subdivision 18. Eighteenth ward.—All that part of said city bounded as follows: Beginning at the intersection of the center lines of East Adams and Almond streets, and running thence southerly along the center line of Almond street to the center of Burt street; thence easterly along the center line of Burt street to the center of Renwick avenue; thence southerly along the center line of Renwick avenue to the easterly line of lands owned and occupied by the Delaware, Lackawanna and Western railroad for a right of way; thence southerly along the easterly line of said railroad lands to a point opposite the center of East Kennedy street; thence westerly along the center line of East and West Kennedy streets to the center of Midland avenue; thence northerly along the center line of Midland avenue to the center of West Castle street; thence easterly along the center line of West Castle street to the center of Cortland avenue; thence northeasterly along the center line of Cortland avenue to the center of South Salina street; thence northerly along the center line of South Salina street to a point opposite the center line of Burt street; thence easterly along the center line of Burt

street to the center of Montgomery street; thence northerly along the center line of Montgomery street to the center of East Adams street; and thence easterly along the center line of East Adams street, to the place of beginning shall constitute the eighteenth ward.

Subdivision 19. **Nineteenth ward.**—All that part of the city lying east of the thirteenth ward and south of the eighteenth, sixteenth and seventeenth wards as hereinbefore described, shall constitute the nineteenth ward.

Subdivision 20. The ward officers in office when this act takes effect shall continue to hold office and represent the wards for which they were respectively elected until the expiration of their full terms of office.

§ 2. This act shall take effect immediately.

Chap. 186.

AN ACT in relation to certain assessments for local improvements in the city of Syracuse.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessments
for improve-
ment of
certain
streets
declared
valid.

Section 1. All and each of the assessments heretofore made and levied for paving and improving the streets and portions thereof in the city of Syracuse more particularly described as follows to wit: For paving Midland avenue from West Onondaga street to Colvin street with asphalt sheet pavement; for paving West Kennedy street from South Salina street to Cortland avenue, with vitrified brick pavement are and is hereby in all respects legalized, ratified and confirmed, and the several amounts of said assessments, specified in the several assessment rolls for said improvements, in the hands of the treasurer of said city, remaining unpaid, together with the accumulated fees, interest, charges and expenses thereon, are hereby declared to be existing, valid, binding, legal, collectible and enforceable obligations of each of the several parties to whom and against each of the several parcels

of property upon which said assessments were made and levied respectively.

§ 2. No assessment or tax made or levied for any improvement herein referred to shall be in any manner impaired or rendered void, illegal, inviolate, uncollectible or unenforceable because of any act, omission, error, irregularity or illegality, not actually fraudulent, either in the proceedings preliminary to or attending the making of any such assessment nor in relation to any contract, work or improvement or the performance thereof for which any such assessment was made.

Assessments not impaired by reason of error or irregularity.

§ 3. This act shall take effect immediately.

Chap. 187.

AN ACT to amend section six hundred and sixty-four of the Greater New York charter in relation to the powers of the commissioner of charities.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and sixty-four of the Greater New York charter is hereby amended as follows:

§ 664. The commissioner, or deputy commissioner of public charities shall have power to commit, to indenture, place out, discharge, or transfer any child who may be in his custody, or who may have been placed by him in an institution as a public charge, whenever in his judgment it shall be for the best interests of such child so to do, and he and his successors in office shall have power to revoke and cancel any such indenture or agreement, and to make contracts for the maintenance of any such child, in placing out or indenturing such children the commissioner or the deputy commissioner, may assign one or more of his subordinates to make the necessary investigations and he may employ any duly incorporated charitable institution or society and may reimburse such institution or society for any expenses, other than

Custody and maintenance of children who are public charges.

salaries, actually incurred in the placing out, supervision and transfer if necessary, of children who are public charges. The word institution, whenever used in this chapter, shall include any charitable corporation, one of whose objects is the care of children or the placing of children in families. An institution to which a child has been committed, as herein provided, shall have the authority to place such child in a family, or bind out such child by indenture, or consent to his adoption. In indenturing, placing out, transferring or committing any such child, the commissioner, or deputy commissioner, or any institution or society employed by him shall, when practicable, indenture or place out such child with an individual of the like religious faith as the parents of such child, or transfer or commit such child to an institution governed by persons of the same religious faith of the parents of such child. In respect to such minors so committed to or otherwise placed under his charge the commissioner or deputy commissioner shall have such additional powers as were on the first day of January, eighteen hundred and ninety-eight vested by law in the corresponding officers of the corporation known as the mayor, aldermen and commonalty of the city of New York of the corporation known as the city of Brooklyn, and the counties of Kings, Richmond and Queens mentioned in section six hundred and sixty-two of this act. The commissioner or deputy commissioner shall not commit children to any institution which shall have been certified by the state board of charities to have failed to comply with the rules and regulations established by that board pursuant to section fourteen of article eight of the constitution, nor shall he commit any child to any institution not situated in the city of New York unless such institution shall have been certified by said board to be properly protected from fire and other dangers.

§ 2. This act shall take effect immediately.

Binding out
and adop-
tion of
children.

Additional
powers of
commis-
sioner.

Chap. 188.

AN ACT to amend the code of civil procedure, relating to stenographers in county courts.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and sixty-one of the code of civil procedure is hereby amended to read as follows:

§ 361. Stenographers.—The county judge in either of the counties of Livingston, Monroe, Onondaga, Oswego or Cortland, where issues of fact are triable, may employ a stenographer to take stenographic notes upon trial thereat, who is entitled to a compensation, to be certified by the judge, not exceeding ten dollars for each day's attendance at the request of the judge. The stenographer's compensation is a charge upon the county, and in the county of Livingston may be audited, allowed and paid as other county charges; and in the counties of Onondaga, Monroe, Oswego and Cortland must be paid by the county treasurer on an order of the court, granted on the affidavit of the stenographer, and the certificate of the judge that the services were rendered. The county judge in each of the counties of Albany, Erie, Oneida, Rensselaer and Niagara may appoint and at pleasure remove a stenographer of said court, who must attend each term of the said court where issues of fact in civil and criminal cases are triable, and the said stenographer of the county court of Albany county shall receive a salary of sixteen hundred dollars per annum, together with his necessary expenses for stationery, to be paid by the treasurer of said county of Albany, in equal monthly installments on the certificate of said judge of Albany county that the services have been actually performed, or the expenses necessarily incurred, and the said stenographer of the county court of Erie county shall receive a salary of twenty-one hundred dollars per annum, together with his necessary expenses for stationery, to be paid by the treasurer of said county of Erie, in equal monthly installments on the certificate of said judge of Erie county that the services have been actually performed, or

the expenses necessarily incurred, and the said stenographer of the county court of Oneida county shall receive a salary of fifteen hundred dollars per annum, together with his necessary expenses for stationery, to be paid by the treasurer of the said county of Oneida in equal monthly installments on the certificate of the said judge of Oneida county that the services have been actually performed or the expenses necessarily incurred, and the said stenographer of the county court of Rensselaer county shall receive a salary of twelve hundred dollars per annum, to be paid by the treasurer of said county of Rensselaer, quarterly. Said stenographers shall also report and transcribe opinions for the said county judges, as well as special proceedings where a stenographer is required, without additional compensation. The said stenographer of the county court of Niagara county shall receive a compensation of not to exceed ten dollars for each day's attendance, to be paid by the treasurer of said county of Niagara on the affidavit of the stenographer and certificate of the judge that the services have been actually performed, and shall within twenty days after notice by a party that he intends to appeal, make a case and exceptions or bill of exceptions in a civil or criminal action, or that briefs are to be made or arguments prepared in an action tried before the court without a jury, file with the clerk of said county a transcript of the minutes taken by him upon such trial, and shall be entitled to six cents for each one hundred words of such transcript so filed by him, which shall be certified to by the judge holding the court at which such trial took place. Such sum so certified shall be paid by the county treasurer of said county upon presentation of such certificate.

§ 2. This act shall take effect immediately.

Chap. 189.

AN ACT to legalize the issue of bonds of the town of Schroon in the county of Essex, authorized by the board of supervisors of said county for the purpose of defraying the expense of rebuilding a bridge over the Schroon river in said town, and to provide for the payment of the principal and interest thereof.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The act of the board of supervisors of the county of Essex, passed at the annual meeting thereof in the year nineteen hundred and four, authorizing the town of Schroon in said county to borrow on the faith and credit of said town the sum of five thousand and ninety dollars to pay the expense of rebuilding a bridge on the highway over the Schroon river in said town, and to issue its bonds for the amount so borrowed as follows: One bond of one thousand and ninety dollars to be payable on the first day of March in the year nineteen hundred and six, and four bonds of one thousand dollars each, payable on the first day of March in the years nineteen hundred and seven to nineteen hundred and ten inclusive, and all the proceedings leading up to the passage of said act, are hereby ratified, confirmed and legalized, and made of the same force and effect as though the laws applicable thereto had been fully and strictly complied with; and the bonds of said town, bearing interest at the rate of five per centum per annum, issued thereunder, and signed by the supervisor and town clerk of said town, are hereby declared to be valid and binding obligations of said town.

§ 2. The board of supervisors of the said county of Essex shall cause to be raised annually upon the taxable property of the said town of Schroon such sums of money as may be necessary to pay the installments of principal and interest of said bonds as they shall become due until said bonds and the interest thereon are fully paid.

§ 3. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 190.

AN ACT to amend chapter five hundred and eighty-five of the laws of eighteen hundred and ninety-three, entitled "An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year eighteen hundred and ninety-three," relative to naval veterans.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred and eighty-five of the laws of eighteen hundred and ninety-three, entitled "An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year eighteen hundred and ninety-three," as amended by chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-four, as amended by chapter five hundred and thirty-eight of the laws of eighteen hundred and ninety-five, as amended by chapter thirteen of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 2. All moneys raised in pursuance of such appropriation and set apart for the use of the fourteenth, forty-eighth, one hundred and seventy-third, fifty-sixth, sixty-seventh, ninetieth, one hundred and thirty-ninth, one hundred and fifty-eighth, and one hundred and fifty-ninth war veteran's association regiments and the monitor association of naval veterans of the port of Brooklyn sixty-one—five, may, with the approval of the mayor, comptroller and auditor of said city, be paid to the treasurer of each of said war veteran's association regiments, and naval veterans' association.

§ 2. This act shall take effect immediately.

Moneys may be paid to treasurers of associations.

Chap. 191.

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty entitled "An act to further amend chapter one hundred forty-three of the laws of eighteen hundred and sixty-one entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city," relating to ordinances.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-three of chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city," as amended by chapter three hundred and forty-three of the laws of eighteen hundred and eighty-one, as amended by chapter five hundred and sixty-one of the laws of eighteen hundred and ninety, is hereby amended to read as follows:

§ 43. It may be provided in a general ordinance or ordinances or in any ordinance or ordinances adopted by the common council that a violation of an ordinance of the common council shall be punishable by a fine not exceeding one hundred fifty dollars, or by imprisonment not exceeding one hundred fifty days, or by both such fine and imprisonment, or by a penalty not exceeding five hundred dollars to be recovered by the city of Rochester in a civil action. The ordinance may provide that such fine or imprisonment shall not exceed a certain sum or time, or may provide a maximum and minimum sum or time thereof, and the amount of the fine and the duration of the imprisonment and the imposition of one or both within the limits prescribed in the ordinance shall be determined by the police court. The ordinance may fix the amount of penalty to be recovered in a civil action or may

designate a maximum and minimum amount thereof, and in the latter case the amount thereof within the limits prescribed in the ordinance, shall be determined by the court or jury. The ordinances adopted by the commissioner of public safety by virtue of the power vested in him by the public health law shall be governed by the provisions hereof as to providing for fine, imprisonment and penalties for violations thereof. Any license, right or permission granted under or by virtue of an ordinance of said common council or said commissioner, may be summarily revoked by the officer board or bureau issuing the same in his or its discretion, upon a violation of the ordinances under which the same was granted by the person or corporation to whom the same was granted, or acting under or using the same or his or its agents, servants or employees. A violation of an ordinance of the common council or said commissioner shall not be a crime but the prosecution therefor shall be a criminal proceeding. Such prosecution shall be in the name of the city of Rochester and arrests for violations of ordinances of said common council and said commissioner may be made as is now or may hereafter be provided by law for arrests for misdemeanor, and all proceedings shall be thereafter had as is now or may hereafter be provided by law for prosecutions for misdemeanor, and upon conviction the same process shall be issued and executed as upon convictions for misdemeanor, and appeals therefrom may be taken in the same manner and with the same effect as appeals from conviction for misdemeanor. No costs shall be allowed for or against the city in any such proceeding or appeal therefrom. The provisions of the code of criminal procedure relating to arrests, bail, confinement, trial, conviction and commitments for misdemeanors and appeals from convictions therefor and all other provisions thereof relating to misdemeanors so far as not in conflict herewith, shall apply to arrests for violations of the ordinances of said common council and said commissioner and all proceedings thereafter. The police court of the city of Rochester shall have exclusive jurisdiction to try and determine all complaints and charges for violations of ordinances of the common council and the commissioner of public safety; in civil actions to recover penalties for violations of said ordinances, the municipal court of the city of Rochester, the county court of Monroe county and the supreme court shall have jurisdiction thereof; and the city of Rochester

may maintain actions in courts of record of competent jurisdiction to restrain violations of said ordinances.

§ 2. Section forty-four of chapter fourteen of the laws of eighteen hundred and eighty as amended by chapter five hundred and sixty-one of the laws of eighteen hundred and ninety, is hereby amended to read as follows:

§ 44. Every ordinance, rule and regulation of the common council, imposing a penalty or fine, or imprisonment, shall before the same takes effect be published at least three times in each week for two successive weeks in the official newspapers of the city, provided that in case of insurrection, riot, pestilence, conflagration or other public necessity requiring immediate operation of such ordinance, it shall take effect as soon as proclamation thereof has been made by the mayor, and the same has been posted in five public places in each ward of the city. A record or entry made by the clerk of said city or a copy of such record or entry duly certified by said clerk shall be prima facie evidence thereof. All laws, regulations, and ordinances and any act, resolution, by-law, rule or proceeding, and any recital of any occurrence taking place at any meeting of the common council and the ordinances of the commissioner of public safety, may be read in evidence in all courts of this state, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either,

Publication of ordinances imposing fines, penalties, etc.

Ordinances may be read in evidence.

1. From a copy thereof, certified by such clerk, in case it is signed by the city clerk with the seal of the corporation affixed.

2. From the volume printed by authority of the common council or said commissioner of public safety, and any printed volume or pamphlet which purports to be a copy of such ordinances, resolutions, proceedings or minutes, shall also be received as presumptive evidence thereof, and of the due adoption and publication thereof when required at the time therein purported and provided such pamphlet or volume purports to have been published by order or direction of the common council or said commissioner, or to contain such ordinances, resolutions, proceedings or minutes. The police court and the municipal court of the city of Rochester, and the judges thereof shall take judicial notice of all ordinances adopted by the common council and the commissioner of public safety and the amendments thereto, so long as the same remain in force and effect; and in preparing any

Presumptive evidence.

return or record to be used on appeal, the necessary and proper ordinances and amendments shall be made a part of such return or record.

Ordinances
now in
force,
amendment
of, before
July first,
1905.

§ 3. All ordinances of said common council and said commissioner of public safety heretofore adopted and now in force and effect shall on or before the first day of July, nineteen hundred and five, be amended by a general ordinance or ordinances or in any ordinance or ordinances so as to conform to the provisions of this act. Said amendments shall take effect, without publication, on the first day of July, nineteen hundred and five.

Sections
repealed.

§ 4. Section two hundred and fifty-eight and section two hundred and sixty of chapter fourteen of the laws of eighteen hundred and eighty, and all acts amendatory thereof are hereby repealed.

When pro-
visions of
act deemed
repealed.

§ 5. The provisions of this act shall not be deemed to be repealed, altered or amended by any repeal, alteration or amendment of the provisions, or any of them, of chapter one hundred eighty-two of the laws of eighteen hundred and ninety-eight, unless it shall be stated therein that the same shall apply to the city of Rochester.

Act not to
apply to
proceedings
now pend-
ing.

§ 6. The provisions of this act shall not apply to any action, proceeding or criminal prosecution, in which the ordinances of the common council or the commissioner of public safety of the city of Rochester, or violations thereof are involved or the subject of the litigation or prosecution, pending when this act takes effect, but the same shall be completed under laws and statutes and ordinances in force immediately previous to the taking effect hereof.

§ 7. All acts and parts of acts inconsistent herewith are hereby repealed so far as they relate to the city of Rochester.

When act
takes effect.

§ 8. Section three of this act shall take effect immediately; the remainder of this act shall take effect on the first day of July, nineteen hundred and five.

Chap. 192.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," relating to the public school teachers' retirement fund.

Accepted by the city.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section A of title twelve of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as added by chapter nine hundred and twenty-eight of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows: Charter amended.

§ A. The mayor of the city of Buffalo, the superintendent of education, the chairman of the board of school examiners, the president of the Buffalo schoolmasters' association, and the president of the women teachers' association shall constitute a board of trustees who shall have general care and management of the public school teachers' retirement fund created by this act. School teachers' retirement fund, trustees of.

§ 2. This act shall take effect immediately.

Chap. 193.

AN ACT to amend chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to religious corporations, constituting chapter forty-two of the general laws," relative to obtaining title to property of an extinct church, parish or religious society.

Became a law, April 11, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five entitled "An act in relation to religious corporations, constituting chapter Act amended.

forty-two of the general laws," as amended by chapter three hundred and thirty-seven of the laws of eighteen hundred and ninety-six, and chapter two hundred and thirty-eight of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 15. Such incorporated governing body may decide that a church, parish or society in connection with it or over which it has ecclesiastical jurisdiction, has become extinct, if it has failed for two consecutive years next prior thereto, to maintain religious services according to the discipline, customs and usages of such governing body, or has had less than thirteen resident attending members paying annual pew rent, or making annual contribution toward its support, and may take possession of the temporalities and property belonging to such church, parish or religious society, and manage; or may, in pursuance of the provisions of law relating to the disposition of real property by religious corporations, sell or dispose of the same and apply the proceeds thereof to any of the purposes to which the property of such governing religious body is devoted, and it shall not divert such property to any other object. And for the purpose of obtaining a record title to the land and the church edifice, or other buildings, thereon, by such incorporated governing body, the surviving trustee or trustees of said extinct church may, without a consideration being paid therefor by such incorporated governing body, convey to it said land and church edifice, or other buildings thereon, subject, however, to an order of the supreme or county court based upon a petition reciting that said church has become extinct; the names of its surviving trustee or trustees, and the names of its members, who must have given their consent to the making of said conveyance. Upon the recital of said facts in said petition the court shall have jurisdiction to grant an order allowing said conveyance to be made without a consideration. Where a proceeding is instituted under this section for the sale of the real property of an extinct religious corporation, a compliance with subdivisions four, five, seven, eight and nine of section thirty-three hundred and ninety-one of the code of civil procedure shall be unnecessary, and such proceeding shall be in all respects valid without a compliance with said subdivisions. The New York eastern christian benevolent and missionary society shall be deemed the governing re-

Abandonment of church or religious society, disposition of property of.

Petition for conveyance of land and church, contents of.

Proceedings for sale of real property.

Governing religious body.

ligious body of any extinct or disbanded church of the Christian denomination situated within the bounds of the New York eastern christian conference; and the New York Christian association, of any other church of the Christian denomination, and any other incorporated conference shall be deemed the governing religious body of any such church situated within its bounds. By ^{"Christian" defined.} Christian denomination is meant only the denomination specially termed "Christian," in which the bible is declared to be the only rule of faith, christian their only name, and christian character their only test of fellowship, and in which no form of baptism is made a test of christian character.

§ 2. This act shall take effect immediately.

Chap. 194.

AN ACT to amend chapter thirty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to reorganize the village of Medina," in relation to establishing or acquiring a system of water works for said village, and the issuance of bonds therefor.

Became a law, April 12, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of title three of chapter thirty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to reorganize the village of Medina," is hereby amended by adding at the end thereof a new subdivision to be subdivision fifty-one thereof, and to read as follows:

51. To construct and establish a system of water works for said village, such system to be either wholly new, or by purchasing and using as a part of such system the whole or any part of an existing private system in such village, and connecting the same with a new source of supply to be selected by such board of trustees, and to issue the bonds of the village therefor in an amount not exceeding one hundred thousand dollars. Such bonds shall be signed by the president and treasurer of the village, and attested by the clerk under the corporate seal. Such

Acquisition of water supply and issue of bonds therefor.

Sale of
bonds.

bonds shall be payable in twenty-seven equal annual installments the first of which shall be due three years from the date of issue. They shall bear interest at a rate not exceeding five per centum per annum and shall be negotiated for not less than their par value. They shall be sold on sealed proposals upon notice published in each newspaper actually printed in the village, and in such other newspapers as the board of trustees may determine, and posted in three public places in the village, at least ten days before the sale, to the person who will take them at the lowest rate of interest. They shall be consecutively numbered from one to the highest number issued and the clerk shall keep a record of the number of each bond, its date, amount, rate of interest, when and where payable and the purchaser thereof, or the person to whom they are issued. Section five of the general municipal law shall not apply to such bonds. There shall be annually raised by taxation in such village a sum sufficient to pay the principal and interest of such bonds as the same shall accrue.

§ 2. This act shall take effect immediately.

Chap. 195.

AN ACT to amend section fifty-eight of the code of civil procedure relative to the graduates of law schools in the state.

Became a law, April 12, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-eight of the code of civil procedure is hereby amended so as to read as follows:

Clerkship
of graduates
from certain
law schools,
rules rela-
tive to.

§ 58. Nothing contained in the last two sections prevents the court of appeals from dispensing, in the rules established by it, with the whole or any part of the stated period of clerkship, required from an applicant, or with the examination where the applicant is a graduate of the Albany law school, being the law department of the Union university, or of the law department of the university of the city of New York, or of the law school of Columbia college, or of the law school of the university of Buffalo or the New York law school or of the college of law,

Cornell university, or of the school of law, Syracuse university, or the Brooklyn law school of Saint Lawrence university, and produces his diploma upon his application for admission.

§ 2. This act shall take effect June first, nineteen hundred and five.

Chap. 196.

AN ACT to amend the forest, fish and game law as to the close season for trout.

Became a law, April 12, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 40. Trout; close season.—The close season for trout shall be from September first to April fifteenth, both inclusive, but if the sixteenth day of April shall be Sunday in any year, such close season shall end with the fourteenth day of April. Trout shall not be sold or possessed in any county during the season that is closed throughout the entire county, except as provided in section one hundred and nine. Trout less than six inches in length shall not be taken or possessed, and if taken shall without avoidable injury be immediately returned to the waters where taken.

§ 2. This act shall take effect immediately.

Chap. 197.

AN ACT to authorize the board of trustees of the village of Silver Creek, Chautauqua county, to borrow twenty thousand dollars on the credit of said village for enlarging the system of water works of said village and to issue bonds therefor.

Became a law, April 13, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
may issue
bonds for
water sup-
ply if au-
thorized
by voters.

Section 1. The board of trustees of the village of Silver Creek shall have power, in case the said board shall be duly authorized so to do by the duly qualified voters of said village, to borrow upon the credit of said village the sum of twenty thousand dollars, or so much thereof as the said trustees shall deem necessary, in addition to the amount authorized by chapter twenty-one of the village laws, upon such terms of credit, not less than twenty nor more than thirty-five years, as said trustees shall determine and at a rate of interest not exceeding four per centum per annum and to secure said loan, the said board of trustees are authorized to issue bonds of said village signed by the president and clerk of said board who shall attach thereto the corporate seal, which bonds shall be made of amounts of not more than five hundred dollars each and shall be sold for not less than par, and in the manner which best conserves the interests of said village. The money so borrowed shall be appropriated by the said trustees for the purpose of laying lines of water pipes, in addition to the line now existing, from the sources of the water supply of said village as now used to the storage reservoir of the water system of said village and to pay for rights of way and all other expenses incident to locating and laying said pipe and securing an additional water supply for said village.

Submission
of proposi-
tion to
voters.

§ 2. The provisions of the foregoing section of this act shall not become effective, however, until said board of trustees shall be authorized by a majority vote of the voters of said village duly qualified to vote upon propositions for raising moneys by tax in said village to borrow said moneys and issue said bonds. A proposition for the borrowing of such money and the issue of such bonds shall be submitted at either a general or special elec-

tion in said village as provided by the village law, being chapter twenty-one of the general laws.

§ 3. This act shall take effect immediately.

Chap. 198.

AN ACT to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly.

Accepted by the city.

Became a law, April 13, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the sinking fund of the city of New York are hereby authorized and empowered, in their discretion, and on such terms as they deem proper, to cancel and annul any and all assessments affecting property in the city of New York now belonging to the J. Hood Wright hospital, and the comptroller of the city of New York is hereby directed to mark such assessments upon the assessment books of the city of New York in accordance with the determination of the said commissioners.

§ 2. This act shall take effect immediately.

Chap. 199.

AN ACT to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments and sales to the city of New York for assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly.

Accepted by the city.

Became a law, April 13, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the sinking fund of the city of New York are hereby authorized and empowered, in their dis-

cretion, and on such terms as they may deem proper, to cancel and annul any and all assessments and sales to the city of New York for assessments or any of them affecting property situate in the borough of Manhattan in the city of New York, now belonging to the Hebrew benevolent and orphan asylum society of the city of New York, and the comptroller of the city of New York is hereby directed to mark such assessments and sales for assessments upon the proper assessment books of the city of New York in accordance with the determination of the said commissioners.

§ 2. This act shall take effect immediately.

Chap. 200.

AN ACT to release to Joseph S. Guthorn the right, title and interest of the people of the state of New York to certain real estate situate in the borough of Manhattan, city, county and state of New York.

Became a law, April 13, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

Section 1. All the estate, right, title and interest of the people of the state in and to all those three certain lots, pieces or parcels of land situate in the borough of Manhattan, city, county and state of New York, and laid out and designated on a map dated New York May thirty-first, eighteen hundred and eighty-two, made and signed by Stevenson Towle, city surveyor, entitled "Map of property belonging to the Jumel estate in the city of New York north of one hundred fifty-ninth street" signed Philo T. Ruggles, referee, and filed in the office of the register in and for the city and county of New York by lots numbers five hundred and thirty-one, five hundred and thirty-two and five hundred and thirty-three and which said lots are more particularly described as follows, that is to say: Beginning at a point on the easterly line of Audubon avenue distant northerly twenty-five feet from the corner formed by the intersection of said avenue with the northerly line of one hundred and seventieth street, running thence easterly and parallel with said street ninety-five feet;

Description.

thence northerly and parallel with said avenue seventy-five feet; thence westerly and parallel with said street ninety-five feet to Audubon avenue and thence southerly along the easterly line of said avenue seventy-five feet to the place of beginning, be the said several dimensions more or less, are hereby released to Joseph S. Guthorn, of the borough of Manhattan, city, county and state of New York, and his heirs and assigns forever.

§ 2. Nothing in this act contained shall impair or affect any right, title, interest, or estate in or to the lands herein described, of any heir at law, devisee, grantee, mortgagee or creditor of any person having an interest in said real property, immediately prior to the escheat thereof, or of any person having a lien or encumbrance thereon, through, under or by any person having an interest therein immediately prior to such escheat, nor any action or proceeding now pending.

Existing
rights not
impaired.

§ 3. This act shall take effect immediately.

Chap. 201.

AN ACT to release to Ralph A. Dawson and his heirs and assigns the interest of the state in certain lands in the town of Southampton, Suffolk county, New York.

Became a law, April 13, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, title and interest which the people of the state of New York acquired by the laws of escheat in and to the land late of Elizabeth Dawson, deceased, situate in the town of Southampton, county of Suffolk and state of New York, bounded northerly by land of Elias B. Miller, easterly by the highway from Southampton to North Sea, southerly by lands of Florence Paul, Terry Lynch and George F. Edwards and westerly by land of Elias B. Miller, containing about two acres, is hereby released to Ralph A. Dawson, the widower and grantor of said deceased, his heirs and assigns forever.

Interest of
state re-
leased.

§ 2. Nothing in this act contained shall impair or affect any right, title, interest, or estate in or to the lands herein described, of any heir at law, devisee, grantee, mortgagee or

Rights not
affected by
this act.

creditor of any person having an interest in said real property, immediately prior to the escheat thereof, or of any person having a lien or encumbrance thereon, through, under or by any person having an interest therein immediately prior to such escheat, nor any action or proceeding now pending.

§ 3. This act shall take effect immediately.

Chap. 202.

AN ACT to amend chapter five hundred and thirteen of the laws of nineteen hundred and four entitled "An act to authorize the board of assessors to determine the damages sustained by owners of real property on Twelfth avenue, between One hundred and twenty-ninth street and One hundred and thirty-fifth street, in the borough of Manhattan, city of New York, by reason of the construction of the Riverside drive viaduct in said Twelfth avenue," extending the area for such damages.

Accepted by the city.

Became a law, April 13, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and thirteen of the laws of nineteen hundred and four is hereby amended to read as follows:

§ 1. The board of assessors of the city of New York is hereby authorized and empowered to fix, determine and allow the amount of damages sustained by the owners of real property on Twelfth avenue between One hundred and twenty-ninth and One hundred and thirty-fifth streets and on Riverside park and drive between the north line of One hundred and twenty-ninth street and the south line of One hundred and twenty-seventh street in the Borough of Manhattan, city of New York, by reason of the construction of the viaduct in, over and above said Twelfth avenue between said One hundred and twenty-ninth and One hundred and thirty-fifth streets and Riverside park and drive between said north line of One hundred and twenty-ninth street and south line of One hundred and twenty-seventh streets respectively.

§ 2. This act shall take effect immediately.

Chap. 203.

AN ACT to amend sections sixteen hundred and forty-eight and sixteen hundred and forty-nine of the New York city consolidation act of eighteen hundred and eighty-two, relative to the selection of grand jurors.

Accepted by the city.

Became a law, April 13, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen hundred and forty-eight of the New York city consolidation act of eighteen hundred and eighty-two is amended so as to read as follows:

§ 1648. Grand jurors shall be summoned in the same manner as petit jurors, and the fines imposed on grand jurors for non-attendance shall not be less than fifty dollars nor more than two hundred and fifty dollars, and the same shall be collected or remitted in the same manner as is provided by law in respect to petit jurors. The ballots shall be prepared by the commissioner of jurors, and, after being carefully compared with the lists regularly selected, shall be placed in the grand jury box. For the supreme court, in the city and county of New York, when an order to draw a grand jury is made, unless such order shall otherwise direct, and for the court of general sessions unless an order made by the recorder or a judge authorized to hold a term of said court, shall otherwise direct, fifty jurors shall be drawn for each grand jury on the same day that the petit jurors, to be impaneled on the same day as such grand jurors are drawn.

Grand jurors, how summoned; fines; order for drawing.

§ 2. Section sixteen hundred and forty-nine of said act is hereby amended so as to read as follows:

§ 1649. Grand jurors for said courts shall be drawn by the commissioner of jurors in and for the county of New York, or one of his assistants, in the presence and with the assistance of the county clerk, or his deputy, the sheriff or under sheriff of said county and the recorder of said county, or one or more judges of a court of record elected in said county. Notice of the time and place of the drawing of each such grand jury shall be given by the said commissioner of jurors to the said county clerk and sheriff and to the clerk of the said court of general sessions and

Grand jurors, drawing of, notice of.

to one or more judges of a court of record elected in said county. Each such grand jury shall be drawn by drawing from the grand jury box so many of the ballots placed therein as above provided, as shall equal in number the grand jury to be drawn. A minute of such drawing shall be kept, containing the names of the persons drawn and specifying for what court and what term they were drawn, which minute must be certified by the officer drawing the same and the officers and judges in whose presence as attending officers and judges for that purpose such drawing was made, and filed in the office of the clerk in said county.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 204.

AN ACT to further amend section five of chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, as amended by section five of chapter nine hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof," making provision for the appointment by said appellate division in the first department of official referees and for their compensation.

Became a law, April 15, 1905, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, as amended by section five of chapter nine hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof in the first department," is hereby amended so as to read as follows:

§ 5. Each of the justices of the supreme court in the first judicial district elected or transferred to said court, including the justices of the appellate division in the first department, shall

Clerks to
justices,
appoint-
ment and
compensa-
tion of.

appoint and at pleasure remove a clerk to such justice, and four attendants upon the court. Each of said clerks to receive ^{as Attendants.} salary a sum to be fixed by the justices of the appellate division, not exceeding twenty-five hundred dollars per annum, and the attendants the salary now allowed by law. Each of said attendants may also be removed by the appellate division, but not until he has been informed of the cause of the proposed removal and has been allowed an opportunity to make an explanation. The ^{Eligibility of justices to serve as referees.} appellate division of the supreme court in the first department may from time to time appoint any justice or justices of the supreme court in the first judicial district now or hereafter in office, who shall have served as a judge or justice of a court of record for twenty years or more, and who after such service shall at the age of sixty-five years or over retire from his or their said office, by expiration of term or resignation or because he or they shall have arrived at the age of seventy years, as official referee or referees, for the term of his or their life. To any of such official referees may be referred any action, matter or proceeding pending in said supreme court, referable by statute or the rules and practice of said court, in which the justice making the order of reference shall deem that for any reason the expense of such reference should not be borne by the parties to such action, matter or proceeding. The county of New York shall pay annually to ^{Referees, compensation of.} each of said official referees a sum equal to the annual compensation paid by the said county of New York to such justice or justices when in office, and said referee or referees shall not charge or receive from the parties to the action, matter or proceeding any fee or compensation for any service rendered as such referee, but may charge the said parties with any disbursements actually incurred by him or them in the performance of his or their duties as such referee, provided the same be allowed by the court.

§ 2. This act shall take effect immediately.

Chap. 205.

AN ACT to amend chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled 'An act to condense and amend the several acts relating to the village of Albion,' and the several acts amendatory thereof," generally.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section two of title two of chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled 'An act to condense and amend the several acts relating to the village of Albion,' and the several acts amendatory thereof," as amended by chapter six hundred and forty-six of the laws of nineteen hundred, is hereby amended to read as follows:

Appointive officers.

§ 2. The appointive officers shall be a clerk, who shall receive a salary to be fixed by the board of trustees not to exceed two hundred and fifty dollars per annum, a street commissioner, a collector of taxes, a treasurer, a weight* master, a pound master, three fire wardens, three members of the board of health, a chief of police, and such a number of policemen, not exceeding three as the board of trustees shall determine. The said board of trustees may detail for night service such a number of policemen as they deem advisable.

§ 2. Subdivision twenty-six of section six of title four of such act, as amended by chapter twenty-eight of the laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

Public hall, hospital, fire engines, engine houses, etc., purchase and maintenance of.

26. To own and maintain a village hall, to own and maintain a public hospital, to purchase fire engines and necessary hose and other apparatus for the use of the fire department; to erect engine houses, or to hire suitable places for keeping the engine, hose or apparatus which may be kept, used or owned by the village, and to purchase from time to time, and hold such lands as

* So in original.

the village may need. To purchase and maintain not to exceed two public clocks, to levy and collect in the same manner as other village taxes are levied and collected such sum or sums as to* the board of trustees may appropriate or a majority of the taxable inhabitants at any annual or special tax meeting shall vote, to maintain and support a hospital not owned by the village or by the public, but maintained for the welfare and free use of the general public, to levy and collect in the same manner as other village taxes are levied and collected such sum or sums as said trustees may appropriate or a majority of the taxable inhabitants at any annual or special tax meeting shall vote, to maintain and support the library known as the Swan library maintained for the welfare and free use of the general public, to dig public wells, sewers and drains for the purpose of draining from the said village any sewerage or stagnant water, or for the benefit of the public health, to purchase or acquire by condemnation proceedings, or to rent lands for the establishment of a public dump or dumping ground, and to authorize the use of such public dump or dumping ground by the inhabitants of the village, and may prohibit the use of any other lands within the village for such purpose. To carry into effect any lawful resolution which may be adopted by the taxable inhabitants of the village at any meeting thereof.

§ 3. Section six of such act, as amended by chapter six hundred and forty-six of the laws of nineteen hundred, is hereby amended by adding subdivisions numbered, respectively, forty-two, forty-three and forty-four, to read as follows:

42. The village of Albion shall not be liable for the damage or injury sustained by any person in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk in said village being out of repair, unsafe, dangerous or obstructed by ice, snow, or otherwise, or in any way or manner, unless actual notice of the defective, unsafe, dangerous or obstructed condition of said street, highway, bridge, culvert, sidewalk or crosswalk shall have been given to the board of trustees of said village or to some member thereof, or to the commissioner or superintendent of streets of said village, at least twenty-four hours previous to such damage or injury. Nor shall the village of Albion be liable for the damage or injury alleged to have arisen from the de-

City not
liable for
damages
for personal
injuries,
without
notice.

Claim for
injuries,
presenta-
tion of.

*So in original.

fective, unsafe, dangerous or obstructed condition of any street, highway, bridge, culvert, sidewalk, or crosswalk of or in said village, or from negligence of the village authorities in reference to any such street, bridge, culvert, highway, sidewalk, or crosswalk, unless within thirty days after the happening of such damage or injury, a claim be presented to the board of trustees of said village, signed by the claimant and verified as a complaint in an action in the supreme court of the state of New York is required by law to be verified, describing the time, place and cause of the damage or injury; nor shall the village of Albion be liable for the damage or injury alleged to have arisen from the defective, unsafe, dangerous or obstructed condition of any street, highway, bridge, culvert, sidewalk or crosswalk of or in said village, or from negligence of the village authorities in reference to any such street, bridge, culvert, highway, sidewalk or culvert, unless within six months after the happening of such damage or injury a further claim be presented to the board of trustees of said village, signed by the claimant and verified as a complaint in an action in the supreme court of the state of New York is required by law to be verified, describing the time, place, cause and extent of the damage or injury. The omission to present as aforesaid either of said claims within the respective times aforesaid shall be a bar to any action or proceeding against said village. No such action shall be commenced until thirty days after the service of the last claim hereinabove mentioned, nor shall any action for any such damage or injury be maintained unless commenced within one year from the happening of the same.

Actions on claims.

Liability of owner or occupant for injuries caused by defective sidewalk.

43. If a judgment shall be recovered against the village for damage or injury sustained by any person by reason of any defect in any sidewalk, existing because of the neglect of any owner or occupant of any lot or grounds bounding on any public street, to construct or repair the sidewalks along the fronts of such lots or grounds, after service, in the manner prescribed in this chapter or in any ordinance of the village, upon such owner or occupant so to do, such owner or occupant shall be liable to the village for the amount of the judgment, and interest thereon, provided notice of the commencement of the action against the village is given by the village authorities to such owner or occupant and such owner

or occupant notified that he will be held liable to indemnify the village against any recovery therein.

44. If a judgment shall be recovered against the village for damage or injury sustained by any person by reason of any obstruction, defect or excavation in or upon any street, highway or sidewalk of the village, unlawfully or negligently created by any person or corporation, his or its servants, employees or agents, such person or corporation so creating such obstruction, defect or excavation shall be liable to the village for the amount of the judgment, and interest thereon, provided notice of the commencement of the action against the village is given by the village authorities to such person or corporation and such person or corporation notified that he or it will be held liable to indemnify the village against any recovery therein.

Liability of persons for injuries caused by obstructing streets.

§ 4. This act shall take effect immediately.

Chap. 206.

AN ACT to amend the lien law, relative to liens of apartment hotel keepers.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-one of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," as amended by chapter three hundred and eighty of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 71. Liens of hotel, apartment hotel, inn, boarding and lodging house keepers.—A keeper of a hotel, apartment hotel, inn, boarding house or lodging house, except an emigrant lodging house, has a lien upon, while in possession, and may detain the baggage and other property brought upon their premises by a guest, boarder or lodger, for the proper charges due from him, on account of his accommodation, board and lodging, and such extras as are fur-

nished at his request. If the keeper of such hotel, apartment hotel, inn, boarding or lodging house knew that the property brought upon his premises was not, when brought, legally in possession of such guest, boarder or lodger, or had notice that such property was not then the property of such guest, boarder or lodger, a lien thereon does not exist. An apartment hotel within the meaning of this section includes a hotel wherein apartments are rented for fixed periods of time, either furnished or unfurnished, to the occupants of which the keeper of such hotel supplies food, if required. A guest of an apartment hotel, within the meaning of this section, includes each and every person who is a member of the family of the tenant of an apartment therein, and for whose support such tenant is legally liable.

§ 2. This act shall take effect immediately.

Chap. 207.

AN ACT to amend the primary election law, relative to the length of time certain papers shall be kept on file by the custodian of primary records.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section eight of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight entitled "An act in relation to enrollment for political parties, primary election, conventions and political committees," as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

Subdivision 3. At all reasonable times any watcher shall have reasonable opportunity to make a transcript of such statement, or any portion thereof, and any candidate shall be entitled to receive, upon demand, a written statement showing the result of the primary election so far as he is concerned. In the case of a primary election at which persons are elected to any con-

Statement
of result,
watchers to
make trans-
cript of,
etc.

vention or committee from election districts as the unit of representation, the board of primary inspectors shall, promptly after canvassing the vote, deliver to each of the persons who receive the largest number of votes as delegates to, or as members of, such convention or committee, or to the respective persons authorized in writing by them to receive the same, a certificate stating the total number of votes cast for the respective candidates and the number thereof received by such persons respectively. Such certificate shall be the evidence of the election of such persons, and shall entitle them and each of them to be placed upon the roll of, and be admitted to, such convention or committee. After the close of the canvass of the votes at primary elections, the ballots cast thereat, except those rejected as void or protested as marked for identification, shall be replaced in the ballot boxes from which they were respectively taken, and such ballot boxes shall then be securely locked and sealed, and shall be returned to the officer from whom they were received, who shall safely keep the same; subject, however, to be produced upon the order of any court of record or judge thereof, for not less than thirty days after such primary election, and until all suits or proceedings before any court or judge touching the same shall have been finally determined, when the ballots shall be removed and, without examination, destroyed. The custodian of primary records shall not be required to retain on file the enrollment books and other papers required to be filed with him by the board of primary inspectors for a period of more than three years unless otherwise directed by the district-attorney of the county or a judge or justice of a court of record.

Primary inspectors to give certificates to persons receiving largest number of votes.

Ballots, preservation of.

§ 2. This act shall take effect immediately.

Chap. 208.

AN ACT to validate, legalize and confirm all of the proceedings of the legal voters of school district number one in the town of Palmyra, Wayne county, at a special meeting thereof held on the twenty-eighth day of March, nineteen hundred and four, and the action of the board of education of said district prior and subsequent thereto in relation to the erection of an addition to its school building and the issuance and sale of certain bonds of said district.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All of the proceedings had by the legal voters of school district number one of the town of Palmyra, in the county of Wayne, held on the twenty-eighth day of March, nineteen hundred and four, and all of the acts of the board of education thereof, in calling and holding such meeting, and subsequent thereto, for the purpose of voting a tax and with respect to the issuance and sale of bonds in the sum of twelve thousand dollars, to bear interest at not exceeding the rate of four per centum per annum, for the purpose and to pay for the erection of an addition to the present school building of the said school district and upon its grounds therein, shall be and hereby are in all respects authorized, legalized, ratified and confirmed. The tax so authorized and directed shall be deemed and held to be levied in installments of two thousand dollars each, with the necessary interest on said bonds, to be collected annually from the date thereof in the years nineteen hundred and five, or nineteen hundred and six, to the year nineteen hundred and ten, or nineteen hundred and eleven, both inclusive, and the said tax so voted, directed and levied and the said bonds so issued payable from January first, nineteen hundred and six, or nineteen hundred and seven, to and including January first, nineteen hundred and eleven or nineteen hundred and twelve, with interest payable upon each of said bonds at a rate of interest not exceeding four per centum per annum, and all of the acts of the said board of education in issuing same and levying said tax, are hereby validated, ratified and confirmed,

Proceedings
of school
meeting
legalized.

Tax to be
levied by
install-
ments.

and the said board of education is hereby authorized and empowered to erect such addition, and to levy such tax, and to issue and sell such bonds, at no less than par, and to deliver the same to the purchasers thereof in accordance with the proceedings and this act.

§ 2. But nothing herein contained shall effect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 209.

AN ACT to amend section fifteen of the town law, relating to highway commissioners.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety entitled "An act in relation to towns constituting chapter twenty of the general laws," as amended by chapter three hundred and forty-four of the laws of eighteen hundred and ninety-three, chapter two hundred and thirty-nine of the laws of eighteen hundred and ninety-five, chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, chapter five hundred and eighty-three of the laws of nineteen hundred and one, and chapter fifty-seven of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 15. Commissioners of highways.—The electors of such town may, at their biennial town meeting, determine by ballot whether there shall be elected in their town one, two or three commissioners of highways. Whenever any town shall have determined upon having two or three commissioners of highways and shall desire to have but one, the electors thereof may do so by a vote by ballot taken at a biennial town meeting, and when such proposition shall have been adopted no other commissioner shall be elected or appointed until the term or terms of those in office, at the time of adopting the proposition shall expire or become vacant and they may act until their terms shall severally expire or be-

come vacant as fully as if two or three continued in office. When there shall be but one commissioner of highways in any town, he shall possess all the powers and discharge all the duties of commissioners of highways as prescribed by law. In towns of less than two square miles in area, where five-sixths of the territory shall consist of an incorporated village or villages, the office of highway commissioner is hereby abolished, and in towns of more than two square miles in area and less than fourteen square miles in area, where two-thirds of the territory shall consist of an incorporated village or villages, the town boards shall have the power and authority, by a majority vote, at any regular meeting of such town boards, to abolish the office of highway commissioner or commissioners, and when so abolished shall file a certificate of such abolition signed by the supervisor and town clerk of such towns in the offices of the town clerk and the clerk of the county in which such town is located, and the powers and duties heretofore performed by him or them, shall devolve upon the town board of such town together with such further power and authority over highways, streets and bridges, as are now possessed by or that may be hereafter granted to boards of trustees of villages of the third class. The provisions of this act shall not affect or abridge the term of office of any highway commissioners elected prior to the passage of this act.

No town working the highways under the money system of taxation and where the office of highway commissioner is abolished by virtue of this section shall be excluded from the benefits of section fifty-three of the general highway law.

§ 2. This act shall take effect immediately.

Chap. 210.

AN ACT to amend the transportations corporations law, in respect to water works corporations.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section eighty-two of chapter five hundred and sixty-six of the laws of eighteen hundred and

ninety entitled "An act in relation to transportation corporations, excepting railroads, constituting chapter ten of the general laws," as amended by chapter six hundred and seventeen of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

2. To lay their water pipes in any streets or avenues or public places of an adjoining city, town or village, to the city, town or village where such permit has been obtained, provided that such right in an adjoining city shall be subject to the permission of the local authorities thereof and upon such conditions as they may prescribe.

Permission
to lay water
pipes.

§ 2. This act shall take effect immediately.

Chap. 211.

AN ACT to amend the code of civil procedure, relative to serving summons upon telegraph companies.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-eight hundred and eighty-one of the code of civil procedure, is hereby amended to read as follows:

§ 2881. Service of summons, relating to express, insurance and telegraph companies. Where the defendant to be served is a corporation, association, partnership or person doing business in the state as an express company, an insurance company, or a telegraph company, and no person resides in the county to whom a copy of the summons may be delivered, as prescribed in the foregoing sections of this article, it may be personally served on the express company by delivering a copy thereof to any local or general agent to receive freight or, parcels, route agent, or messenger of the defendant, residing in the county, and on any insurance company by delivering a copy thereof to any local or general agent of the defendant, residing in the county, and on any telegraph company by delivering a copy thereof to any office manager of the defendant, residing in the county; unless at least thirty days before it was issued, the defendant had filed in the

office of the clerk of the county, a written instrument, designating a person residing in the county, upon whom process to be issued by a justice of the peace against the defendant may be served; in which case the summons may be personally served by delivering a copy thereof to the person so designated.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 212.

AN ACT to legalize the bonds issued by "the school district of the city of Amsterdam" amounting to the sum of one hundred six thousand, six hundred dollars, for the purpose of defraying the expense of acquiring sites and erecting new school buildings in said district and to provide for the payment of the principal and interest of said bonds.

Accepted by the city.

Became a law, April 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings
to issue
bonds
legalized.

Section 1. All the proceedings taken by the board of education of "the school district of the city of Amsterdam" prior to the first day of January, nineteen hundred and five, relating to the issuance of the bonds of said school district to the amount of one hundred six thousand, six hundred dollars for the purpose of acquiring sites and erecting new school buildings on Milton avenue and Guy Park avenue in said school district, and acquiring a site and erecting a new high school building on Division street in said school district, are hereby ratified, confirmed and legalized and made of the same force and effect as though all the provisions of the laws applicable to the issuance of such bonds had been strictly complied with; and the said bonds sold by said board of education with the rates of interest stated in said bonds are hereby declared to be valid and binding obligations of "the school district of the city of Amsterdam."

Payment of
bonds.

§ 2. The common council of the city of Amsterdam shall cause to be raised annually by the levy and collection of taxes upon the taxable property of said city, according to the provisions of the

charter of said city, such sums as shall be sufficient to pay the principal and interest of said bonds as the same shall become due and payable.

§ 3. This act shall not affect any action or proceeding now pending in any court.

§ 4. This act shall take effect immediately.

Chap. 213.

AN ACT to legalize the official acts of the assessors, board of trustees, and collector, of the village of Attica, in the county of Wyoming, in relation to taxes and local assessments during the years nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All official acts of the assessors, board of trustees, and collector, of the village of Attica, in the county of Wyoming, performed during the years nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four, in relation to the assessment of property, and the levying and collection of taxes and local assessments in said village, and all taxes and local assessments levied and assessed therein by such assessors, or board of trustees, or under their direction, during said years, are hereby legalized, ratified and confirmed, and declared to be valid and legal, notwithstanding any informalities or illegalities concerning the same, and all such taxes and local assessments shall have the full force, effect and validity as if the same had been legally made as provided by law, and all unpaid taxes and local assessments shall have the same force, effect and validity as if a return thereof had been made by the collector as provided by law.

Acts of
certain
village
officers
declared
valid.

§ 2. Nothing in this act contained shall affect any suit or legal proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 214.

AN ACT to amend chapter five hundred and eighteen of the laws of eighteen hundred and eighty-nine, entitled "An act to revise the charter of the village of Mount Morris," in relation to the powers of the board of trustees thereof.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections thirty-two and thirty-three of chapter five hundred and eighteen of the laws of eighteen hundred and eighty-nine, entitled "An act to revise the charter of the village of Mount Morris," is hereby amended to read as follows:

§ 32. The board of trustees shall have power to require and compel owners of land, on any street in said village, to make and maintain sidewalks of stone, cement, wood or other material in front of the premises so owned by them, and to regulate the grade, slope, dimensions, material and construction thereof. The owners of such land shall do the necessary grading for such walks whenever the board of trustees shall order any such work to be done, a copy of such order, containing a statement of the width of said walk, and the kind of material required, shall be served upon such owner by delivering it to him personally, or in case of his absence by leaving it at his residence with some person of suitable age and discretion, or by leaving it with the person occupying or in possession of such premises, or by posting it conspicuously on such premises. An affidavit stating the time and manner of service of such order shall be made and filed with the clerk of said village, and such affidavit shall be presumptive evidence in all events and proceeding of the facts therein contained. If the owner shall not do such work, or cause it to be done, within five days after the service thereof, when the work to be done is the repairing of sidewalks, or within twenty days when other work is to be done, the said board of trustees, shall cause such work to be done and the owner of such lands shall be liable to pay the expense of such repair or construction. In case the board of trustees deem any walk to be in a dangerous condition they may require, in said order, the work to be performed or repairs made within less time than above

Sidewalks,
improve-
ment and
construc-
tion of,
order for.

Proof of
service of
order.

specified, not less than twenty-four hours after service of such order. Whenever expenditures are made by the board of trustees for constructing or repairing sidewalks or pavements, or keeping the sidewalks cleaned of ice, snow or other accumulations thereon, such expenditures are assessable upon the land affected or improved thereby. The board of trustees shall serve a notice of at least ten days upon the owner or occupant of such property, stating that such expenditure has been made, its purpose and amount, and that at a specific time and place it will meet to make an assessment of the expenditures upon such land. If such land shall be unoccupied and the owner thereof a non-resident of the town of Mount Morris, such notice may be served on the owner by publishing such notice once each week for not less than two weeks in any newspaper published in said village. The board of trustees shall meet at the time and place specified and it shall hear and determine all objections that may be made to such assessment, including the amount thereof, and shall,* assess upon the land the amount which it may deem just and reasonable, not exceeding, in case of default, the amount stated in the notice. If the amount so assessed be not paid within twenty days after such assessment, an action to recover the amount may be maintained by the village against the owner liable therefor, or a special warrant may be issued to the collector by the board of trustees for the collection of such assessment, or the amount thereof may be included in the next annual tax levy. When included in the annual tax levy it shall be placed in a separate column from other taxes assessed against the same property. Whenever a special warrant is issued for such assessment, and the collector is unable to collect the same the board of trustees may include such assessment in the next annual tax levy the same as if a special warrant for the collection of the same had not been issued.

Expense to
be assessed
on property
benefited.

§ 33. Whenever the board of trustees of the village of Mount Morris shall order the owner or owners of land, on any street in said village, to make and maintain sidewalks of cement in front of the premises so owned by them, they may by resolution enact that a specified proportion of the cost thereof be borne by the village and payable from the highway fund of said village, and the proportion of the cost so fixed by the board of

Proportion
of expense
may be paid
by village.

*So in original.

trustees shall be stated in the order as required to be made and served by the last section; but nothing herein contained shall be so construed as to create any liability against said village for any proportion of the cost of any cement sidewalk constructed in front of the premises by the owner thereof unless ordered to construct the same, and the proportion of the expense to be paid by the village fixed, by the board of trustees in such order.

§ 2. Section thirty-four of said act is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 215.

AN ACT empowering the Church building trust association of New York to maintain a second place of worship.

Became a law, April 18, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Church building trust association of New York is hereby authorized and empowered to purchase, establish and maintain in the city of New York, and to dispose of, a second place of christian worship according to the purpose and conditions of its incorporation, in addition to that now owned and maintained by it.

§ 2. This act shall take effect immediately.

Chap. 216.

AN ACT authorizing the village of Ellenville, Ulster county, to issue additional bonds for the purpose of completing a dyke or other structure along the bank of the Beerkill creek or stream in or near such village, and relating to the debt limitation in said village.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Ellenville, Ulster county, is hereby authorized to issue the bonds or other

Issue of
bonds au-
thorized.

obligations of such village in an amount not exceeding six thousand dollars for the purpose of completing the dyke or other structure along the bank of the Beerkill creek or stream in or near such village, and for paying any expenses heretofore incurred in connection with the building of said dyke, the construction of which was authorized by chapter eighty-one of the laws of nineteen hundred and four. Such bonds or other obligations shall be signed by the president or treasurer and attested by the clerk under the corporate seal, and they shall be so issued that five hundred dollars of the principal indebtedness shall become due and payable on June first, nineteen hundred and eleven, and five hundred dollars of such principal indebtedness on June first of each year thereafter until the whole amount is paid. They shall bear interest at a rate not exceeding four per centum per annum which shall be payable semi-annually on the first days of June and December, and shall be negotiated at not less than their par value. They shall be sold on sealed proposals or at public auction upon notice published in the official paper, if any, and also in each other newspaper actually printed in the village and in such other newspapers as the board of trustees may determine, and posted in three public places, at least ten days before the sale to the person who will take them at the lowest rate of interest. They shall be conspicuously numbered from one to the highest number issued and the clerk shall keep a record of the number of each bond or obligation, its date, amount, rate of interest, when and where payable and the purchaser thereof or the person to whom they shall be issued. There shall be annually levied in said village in the same manner as other village taxes a sum sufficient to meet the accruing principal and interest of such bonds. Such dyke or other structure shall be completed and the money therefor expended by and under the direction of the board of trustees of such village. The indebtedness incurred by the village of Ellenville in pursuance of this act and of chapter eighty-one of the laws of nineteen hundred and four, shall not be included in computing the indebtedness of the village under any statute of the state limiting the amount of indebtedness which villages are authorized to incur.

Execution
and terms
of bonds.

Sale of
bonds.

Payment.

§ 2. This act shall take effect immediately.

Chap. 217.

AN ACT to amend chapter thirty-eight of the general laws, known as the insurance law, being chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, relative to towns and county co-operative corporations.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty-one of said insurance law, is hereby amended so as to read as follows:

§ 261. Incorporation.—Twenty-five or more persons residing in one or more adjoining towns, or in any county, or in one or more adjoining counties, but not including persons residing within the limits of an incorporated city of more than six hundred thousand inhabitants, who each own in good faith real estate not less than five hundred dollars in value and collectively own in good faith insurable real estate therein of the value of fifty thousand dollars or over, may become a corporation for either of the following purposes:

1. For the purpose of cooperative insurance against loss or damage by fire or lightning.

2. For the purpose of preventing the larceny of domestic animals, horses, wagons, sleighs, harnesses, robes, blankets, whips, clothing, wearing apparel, jewelry, grain, and any kind of farm produce, and all kinds of goods and property, or for the purpose of mutual insurance of such property against loss or damage by larceny, or any loss or expense incurred in recovering the same when stolen, or in the apprehension of the thief or thieves, or for all the purposes named in this subdivision, by making and acknowledging a certificate setting forth their intention to form such corporation, the county or counties or the town or towns in which it intends to do business, its corporate name, which shall embrace, in cases where the association includes one or more counties, the name of the county in which the business office of said company is located, and in case where the association includes one or more towns the name of the town or towns in which its office is to be located. Every

person insured in such corporation who shall sign an application for insurance as required by the certificate of incorporation, or by the by-laws of the corporation, shall thereby become a member thereof.

§ 2. Section two hundred and sixty-four of said insurance law is hereby amended to read as follows:

§ 264. Commencement of business.—The person signing such certificate, after having filed the statement prescribed in the preceding section, may open books to receive propositions and enter into agreements in the manner authorized by this article, but the corporation shall not do any business of insurance, or issue any policy until bona fide agreements have been entered into for the insurance of property of an amount not less than three hundred thousand dollars for each county embraced within the territory in which it proposes to do business, if a county corporation, and of fifty thousand dollars, if a town corporation.

§ 3. Section two hundred and sixty-six of said insurance law is hereby amended so as to read as follows:

§ 266. Policies of insurance.—The directors of every such corporation may issue policies of insurance signed by their president and secretary, agreeing in the name of the corporation, if formed for the purpose specified in the first subdivision of section two hundred and sixty-one, to pay all damages not exceeding the amount insured which shall not be more than seven thousand dollars in any one risk, done to dwellinghouses, barns and their contents, hophouses and the hops and fixtures therein, cheese factories and their contents and creameries and their contents, school buildings and their contents, and other property not more hazardous, buildings and their contents, in towns, cities and villages, separated from any other risk of said company such distance as the by-laws of said corporation may prescribe, and live stock owned on the premises, by fire or lightning, during the time mentioned in the policy, which shall not be less than three months or more than five years; or if formed for the purpose specified in subdivision two of section two hundred and sixty-one, agreeing to pay all damages and expenses which may be sustained or incurred by the holder thereof from the larceny of domestic animals belonging to him or in his possession, and in the recovery thereof and in the apprehension of the thief or thieves, or in the prevention of the larceny of such animals or of horses, wagons,

sleighs, harnesses and robes, which shall not be more than five hundred dollars in any one case. Every corporation may issue more than one policy in the case of fire insurance to one person, firm or corporation having separate or detached buildings, which it is not prohibited from insuring by this article or its by-laws. Every policy issued shall have printed thereon a copy of the by-laws and regulations of the corporation. Every corporation transacting the business of town and county co-operative insurance as provided for by this article, is hereby exempted from the provisions of section one hundred and twenty-one of this chapter.

§ 4. Section two hundred and seventy-one of said insurance law is hereby amended so as to read as follows:

§ 271. *Restriction of insurance.*—No corporation formed for the purpose specified in subdivision one of section two hundred and sixty-one shall insure any buildings or property out of the limits of the territory comprised in its certificate of incorporation, or the territory to which its business may be extended under the provisions of this article, except that when a member of a corporation, who has a farm extending beyond the line of such limits, has buildings or property on that part beyond such line, he may insure such buildings and their contents with his other buildings. No company now or hereafter organized under this article shall insure any buildings or property within the limits of a city containing at the time of the incorporation of such company more than six hundred thousand inhabitants.

§ 5. Section two hundred and seventy-eight of the insurance law is hereby amended so as to read as follows:

§ 278. *Limitation of business; extension of territorial limits.*—Except as hereinafter provided no corporation formed under the provisions of this article, or any such corporation formed under any similar act repealed by this chapter, shall transact business in more than five counties, which shall be designated in the certificate of incorporation. But any corporation organized and doing business under the provisions of any act repealed by this chapter, or which may be hereafter organized and do business under the provisions of this article, in one county, or two or more adjoining counties, may extend its business into any number of adjoining counties, not exceeding five in all, by filing in the office of the clerk of such county or counties a duly certified

copy of the certificate and statement filed in the office of the secretary of state under the provisions of section two hundred and sixty-three, and filing in the office of the secretary of state and of the county clerk of each county comprised in its territorial limits, a certificate signed by at least two-thirds of its directors, stating the counties in which such corporation proposes to do business; and upon filing such certificates and certified copies herein provided, and also filing therewith a statement verified by its president and secretary of its outstanding insurance, showing that it has bona fide insurance in force exceeding three hundred thousand dollars for each and all the counties in which it does and intends to do business, any such corporation shall possess all the business and corporate powers, rights and privileges in the counties named in such certificate, not exceeding five, and be subject to the same liabilities as if originally organized under a certificate specifying the same counties as the territorial limits of such corporation. Any corporation doing business in five counties may extend its business into as many adjoining counties including such original counties as shall not exceed one county for each one million dollars of its insured property in force at the time of any such extension except that companies organized exclusively for the purpose of insuring cheese factories and creameries and their contents may extend to any number of counties, not exceeding one county for each full one hundred thousand dollars of insurance in force, otherwise, such extension or extensions shall be made in all respects in the manner herein provided.

Chap. 218.

AN ACT to amend chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Yonkers," and the several acts amendatory thereof and supplemental thereto, relating to the appropriation for the public library.

Accepted by the city.

Became a law, April 18, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section three of title four of chapter six hundred and thirty-five of the laws of eighteen hun-

dred and ninety-five, entitled "An act to revise the charter of the city of Yonkers," as amended by chapter four hundred and five of the laws of nineteen hundred and four, is hereby amended to read as follows:

3. For the Yonkers public library the sum of seven thousand five hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 219.

AN ACT to legalize, ratify and confirm a special election held in the village of Hoosick Falls, county of Rensselaer, for the purpose of voting upon a proposition submitted thereat for the purchase by such village of certain real property and the issuance of bonds for the payment of the purchase price thereof, and for the erection and equipment of a village building thereon.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special
election
confirmed.

Section 1. The special election held in the village of Hoosick Falls on the fourteenth day of January, nineteen hundred and five at which was submitted a proposition providing for the purchase of certain property in such village, at a price stated therein, and for the issue of bonds for the payment of the purchase price of such property and for the payment of the cost of the erection and equipment of a village building thereon, and upon property acquired adjoining the same, is hereby legalized, ratified and confirmed and made of the same force and effect as though such special election had been called on sufficient notice in accordance with the charter of such village and of special and general laws relating thereto, and as though such election had been conducted in conformity with such charter and with such laws. The actions and proceedings of the president and board of trustees of such village in calling such special election, and the action taken by the electors at such special election are hereby legalized, ratified and confirmed and are made of the

same force and effect as though such proposition had been regularly submitted, as provided by law. The said village of Hoosick Falls is hereby authorized to issue the bonds of such village for the purpose and in the amounts specified in the proposition submitted at such special election, and such bonds when issued as provided by law shall be valid and binding obligations against such village, notwithstanding any irregularity pertaining to such special election, and the insufficiency of the proposition submitted thereat.

Village may issue bonds which are declared valid obligations.

§ 2. This act shall take effect immediately.

Chap. 220.

AN ACT to amend the village law, relating to the number of members of hose companies.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and two of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," as amended by chapter two hundred and two of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 202. Organization of companies.—The board of fire commissioners may organize and maintain fire, hose, protective, and hook and ladder companies, whenever in its judgment the public interests require, by appointing a sufficient number of suitable persons as members thereof, respectively, not exceeding sixty to each fire company, sixty-five to each hook and ladder company and thirty to each hose company or protective company. In villages having a population of eighteen hundred or over, hose companies may have a membership of not exceeding fifty members. Vacancies shall be filled by the board of fire commissioners upon nomination by the company. No new appointment shall be made to a company, unless the number of members thereof shall be less than the number hereby limited. The

board of fire commissioners may, by resolution, consent to the incorporation of any of the companies so organized by them, or may consent to the incorporation or the organization without incorporation of as many companies voluntarily organized in said village as may be deemed necessary.

§ 2. This act shall take effect immediately.

Chap. 221.

AN ACT to legalize the action of the biennial town meeting of the town of Lawrence, county of Saint Lawrence, in voting upon a town proposition for the purchase of a stone crushing machine and an engine to operate the same, and authorizing the town board and commissioner of highways in such town to purchase such stone crushing machine and engine.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings
of town
meeting
legalized.

Section 1. The action and proceedings of the biennial town meeting of the town of Lawrence, county of Saint Lawrence, held on the fourteenth day of February, nineteen hundred and five, in voting upon and adopting a proposition submitted thereat authorizing the town board and commissioner of highways of said town to purchase a stone crushing machine and an engine to operate the same, are hereby legalized, ratified and confirmed and made of the same force and effect as though all the electors voting upon such proposition or their wives, were owners of property in such town and assessed upon the last preceding assessment roll as provided by law. The town board and commissioner of highways of such town are hereby authorized to expend a sum not exceeding two thousand dollars for the purchase of a stone crushing machine and an engine to operate the same, as directed by such proposition, and in the manner and subject to the conditions prescribed by the highway law.

Purchase of
stone
crusher
authorized.

§ 2. This act shall take effect immediately.

Chap. 222.

AN ACT to prevent the construction, operation and maintenance of any further railroads in the state road known as the Buffalo and Whites Corners plank road in Erie county.

Became a law, April 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No railroad shall be constructed, maintained or operated and no railroad tracks shall be laid upon the state road known as the Buffalo and Whites Corners plank road in the county of Erie, where none now exists, excepting such as may be necessarily laid for the purpose only of crossing said highway, the provisions of this act shall not affect any consents heretofore granted or any rights acquired for the construction of any such railroad.

§ 2. This act shall take effect immediately.

Chap. 223.

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled, "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city," in relation to local improvements.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-one of chapter fourteen of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Street im-
provement,
how made.

§ 171. The common council shall not open or widen any street or alley or make or ordain any work or improvement the expense whereof is to be defrayed in whole or in part by a local assessment, except upon the petition of the majority of the owners of property to be assessed therefor, unless two-thirds of all the members elected to said common council vote therefor, after allegations have been heard. No improvement which shall be covered by letters patent shall be adopted except upon the petition of two-thirds of all the owners of property to be assessed therefor.

§ 2. This act shall take effect immediately.

Chap. 224.

AN ACT to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessment
of damages.

Section 1. The board of assessors is hereby authorized and empowered in its discretion to estimate and determine the damage which the owner or owners of lands and buildings, fronting upon any street or avenue approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York, authorized by chapter three hundred and seventy-eight, laws of eighteen hundred and ninety-seven, as amended by chapter four hundred and sixty-six, laws of nineteen hundred and one, sections five hundred and ninety-one to six hundred and one, ten, ninety-six, two hundred and thirty, whose grade was changed by reason of the erection and construction of the said bridge, and certify the same to the comptroller of the city of New York, setting forth the amount of the said award with interest.

§ 2. The amount of such award or awards so certified, shall be paid by the city of New York, and the comptroller is hereby authorized to issue corporate stock of the city of New York to the amount of such award or awards with interest. Payment of damages.

§ 3. All acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 225.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five, entitled, "An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie, relative to the office of the county auditor."

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five is hereby amended to read as follows:

§ 2. County auditor.—There shall be in the county of Erie a county auditor, who shall be elected at a general election held in November, eighteen hundred and ninety-five and who shall take his office January first eighteen hundred and ninety-six, and who shall be a resident freeholder of such county, and who shall hold his office for a term of four years, and until his successors have duly qualified. No person elected as county auditor shall be, when he enters upon his duties, a member of the board of supervisors, nor shall he, while holding such office be eligible to election as supervisor. The county auditor first elected under this act shall hold his office for a term of four years from January first, eighteen hundred and ninety-six. Before entering upon the duties of his office he shall take the constitutional oath of office and execute to the county of Erie a good and sufficient bond,

to be approved by the county judge in a sum to be fixed by the board of supervisors, conditioned upon the faithful performance of his duties. The annual salary of such county auditor shall be determined by the board of supervisors at a sum not exceeding twenty-five hundred dollars. Such oath and bond shall be filed in the office of the county clerk. The trustees of the city and county hall shall provide suitable rooms to be used by such auditor as an office. The board of supervisors shall from time to time, as the business of the office of the county auditor may require, authorize the county auditor to appoint such clerks at such salaries as the board of supervisors shall fix and determine, not exceeding twelve hundred dollars each, as may be necessary for the proper transaction of business of his office.

§ 3. This act shall take effect immediately.

Chap. 226.

AN ACT to amend chapter four hundred and seventy-eight of the laws of eighteen hundred and ninety-three, entitled "An act to incorporate the city of Olean" generally.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Sections six, seven and twenty-four of chapter four hundred and seventy-eight of the laws of eighteen hundred and ninety-three, entitled "An act to incorporate the city of Olean," as amended by chapter ten of the laws of nineteen hundred and one, are hereby amended to read as follows:

Elective
officers.

§ 6. The elective officers of the city of Olean shall be a mayor, police justice, four justices of the peace, three assessors and four constables, all of whom shall be elected by the city at large, three supervisors, one of whom shall be elected from the first and fifth wards hereinbefore described; another of whom shall be elected from the second and third wards hereinbefore described; and the other of whom shall be elected from the fourth and sixth wards hereinbefore described. Two aldermen shall be

elected from each ward. The appointive officers shall be a clerk, ^{Appointive officers.} deputy clerk, a superintendent of streets, an attorney, a treasurer, an overseer of the poor, a board of health, a chief of the fire department, an assistant chief of the fire department, a sealer of weights and measures, a game constable, one chief of police and such number of policemen and special policemen as the common council may deem necessary, such number of firemen as the common council may deem necessary, and such other appointive officers as are or may be specified by the general statutes of this state. The appointive officers shall be appointed in the manner herein provided.

§ 7. The term of office of the mayor and aldermen and super- ^{Terms of office.} visors shall be two years; of the overseer of the poor and constables, one year; of the clerk, deputy clerk superintendent of streets, attorney, treasurer, chief of police, chief of the fire department, assistant chief of the fire department, sealer of weights and measures, and game constable, two years; of the police justice and assessors, three years; of the justices of the peace, four years; of the other appointive officers whose terms are not otherwise fixed or provided by law, during the pleasure of the appointing power not to extend beyond the municipal year in which the appointment was made.

§ 24. The clerk, deputy clerk, treasurer, overseer of the poor, ^{Bonds of certain officers, amount and approval of.} police justice, justices of the peace and constables shall each respectively give the bond provided by law, which shall be approved as to form, amount and sufficiency of the sureties and manner of execution by the common council.

§ 2. Title three of such chapter is hereby amended by adding thereto the following sections:

§ 26-a. The mayor shall make and establish, with the approval ^{Rules for regulation of fire department.} of the common council, rules and regulations for the government and discipline of the fire department and police department and the mayor shall have power to punish summarily any violation thereof by a member of either department by fine not exceeding twenty-five dollars, by suspension not exceeding thirty days or by requiring the offending officer or employee to serve without pay for not exceeding thirty days.

§ 37-a. The deputy clerk shall assist the clerk in the perform- ^{Deputy clerk, duties of.} ance of his duties and in the absence or inability of the clerk, shall possess all the powers of the clerk; and in case of a vacancy

in the office of clerk, the deputy clerk shall perform the duties of such office until such vacancy be filled.

§ 3. Section forty-two of such chapter is hereby amended to read as follows:

Chief of fire
department,
duties of.

§ 42. It shall be the duty of the chief of the fire department to examine buildings, structures and premises to ascertain if the same are in a safe and secure condition against fire, and if the same are in an insecure, unsafe or dangerous condition, to compel the owners or occupants to put the same in a safe and secure condition; and after giving reasonable notice to the owner or occupant, if the owner or occupant fail or neglect to make the same safe and secure, he may cause the same to be done at the expense of the owner or occupant thereof; he shall, however, be subject to the by-laws, regulations and ordinances of the common council and to its direction. He shall perform such other duties as shall be prescribed for him by the rules and regulations made and established by the mayor and common council for the government of the fire department. The assistant chief of the fire department shall assist the chief of the fire department in the performance of his duties, and in his absence or inability to act, perform his duties and possess his powers, and in case of a vacancy in the office of chief of the fire department the assistant chief of the fire department shall perform the duties thereof until such vacancy be filled.

§ 4. Subdivision four of section eighty-two of such chapter is hereby amended to read as follows:

4. To establish, organize and maintain a fire department.

§ 5. As soon after this act takes effect as practicable, there shall be appointed in and for said city of Olean, a chief of the fire department, an assistant chief of the fire department and a deputy clerk who shall hold their respective offices until the expiration of the then current municipal year, and thereafter said offices shall be filled by appointment for the terms in this act provided.

§ 6. This act shall take effect immediately.

Chief and
assistant
chief, ap-
pointment
and terms
of.

Chap. 227.

AN ACT to release to Louisa Walters, widow of William Walters, all the right, title, and interest of the people of the state of New York, in and to certain real estate situate in the town of North Castle, county of Westchester, state of New York, acquired by escheat or otherwise, upon the death of the said William Walters.

Became a law, April 19, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate right, title, and interest of the people of the state of New York, acquired by escheat, forfeiture, and otherwise upon the death of William Walters, deceased of, in and to all that certain piece or parcel of land, with the buildings erected thereon, situate, lying or being in the town of North Castle, county of Westchester, state of New York, described in a certain deed of conveyance, bearing date of seventeenth day of March, eighteen hundred and fifty-three, between Robert H. Harris, the rector, Nehemiah Searles, and Henry D. Tyler, the church wardens and Samuel B. Ferris, Israel Townsend, Jonathan H. Green, Ziel J. Eggleston, Samuel P. Smith, David Dayton, Reuben Green, and Andrew J. Kinch, the vestrymen of Saint Stephens church in the village of Miles Square, town of North Castle, in the county of Westchester, to William Walters, colored man, and recorded in the office of the register, county of Westchester, in liber five hundred and forty-five of deeds page one hundred and forty-one, September fifteenth, eighteen hundred and sixty-four, as follows: All that certain piece or parcel of land described in said petition as lot number twenty-six, bounded north-^{Interest of state released.}erly by land of Andrew Kinch, easterly by lot number forty, south-^{Description of property.}erly in front of the new road, and westerly by lot number twenty-five being eighty-five feet in width in front on the new road, and running back to land of said Kinch be the same* or less; is hereby released to and vested in Louisa Walters, widow of the said William Walters and her heirs and assigns forever.

*So in original.

Rights not
affected by
this act.

§ 2. Nothing herein contained shall be construed to impeach, release, or affect the rights in said real estate of any heir, devisee, purchaser, or creditor by judgment, mortgage or otherwise, in and to said premises or any part or parcel thereof or to warrant or insure by the state the title to said property in said Louisa Walters.

§ 3. This act shall take effect immediately.

Chap. 228.

AN ACT to amend chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals," in relation to the payment of money collected by marshals.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title eight of chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals," is hereby amended by adding a new section to be section three hundred and seven, and to read as follows:

§ 307. Payment of money received by marshals.—Whenever any marshal shall collect or receive any money upon any process of the municipal court of the city of New York, he shall pay the same over to the clerk of the court of the district from which such process was issued, less his lawful fees and disbursements within five days after the same shall have been received by him. Upon his failure so to do he may be proceeded against as for a contempt. The clerk of the court with whom such money is deposited shall pay the same over on demand to the person entitled thereto.

§ 2. This act shall take effect immediately.

Chap. 229.

AN ACT to amend chapter three hundred and ninety-four of the laws of nineteen hundred and four, entitled "An act to create and establish the office of commissioner of elections in the county of Erie and prescribing his duties," relating to the duties of the commissioner.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter three hundred and ninety-four of the laws of nineteen hundred and four, entitled "An act to create and establish the office of commissioner of elections in the county of Erie and prescribing his duties," is hereby amended to read as follows:

§ 7. All certificates of nomination for offices to be voted for by the electors of the county of Erie or any political subdivision thereof or therein, at any election to which this act applies, all declinations of nominations for office, all certificates of nomination to fill vacancies caused by such declinations or by death, all statements of candidates' expenses of election and all rules and regulations of political parties required by law to be filed with any officer of the county of Erie or any political subdivision thereof or therein, shall, after this act shall take effect, be filed in the office of the commissioner of elections, hereby established, and the commissioner of elections is hereby designated as the custodian of primary records for the county of Erie or such political subdivisions thereof to which the primary election law now applies or may hereafter be applied, and the said commissioner of elections shall also be the secretary of the county board of canvassers.

Certificates of nominations, declinations, etc., filed of.

Custodian of primary records.

§ 2. Section eight of said chapter is hereby amended to read as follows:

§ 8. All supplies or election appliances to be used or furnished by the commissioner of elections for election purposes shall be purchased by such commissioner who is also hereby authorized to cause all necessary repairs and alterations to be made in the same. All expenses for supplies, advertising, posting and circula-

Purchase of election supplies.

tion of election notices and printing lists of registered voters, and other expenses arising from the conduct of elections in the county of Erie, or in any political subdivision thereof or therein to which this act applies, incurred by or under the direction of the commissioner of elections, except the compensation of inspectors of election, poll clerks and ballot clerks, shall hereafter be a charge against the county of Erie or the political subdivision thereof or therein, as specified in the election laws of the state of New York, and shall be certified by the commissioner of elections and be audited and paid as are other claims against the said county.

§ 3. Section nine of said chapter is hereby amended to read as follows:

§ 9. The commissioner of elections shall, on or before the fifteenth day of December in each year, certify to the clerk of the board of supervisors of Erie county the total amount of the expenses of his said office, including salaries, for the preceding year, and shall certify to said clerk the portion of said expenses which, under the provisions of law, are to be borne by the county of Erie and the portion thereof which, under the provisions of law, are to be borne by the city of Buffalo, or the city of Tonawanda, and the several towns in the county of Erie, and the said clerk of the board of supervisors, in spreading taxes levied upon the taxable property in the city of Buffalo and the city of Tonawanda, shall include in the amount spread, the amounts certified by said commissioner to be borne by the city of Buffalo and the city of Tonawanda, respectively, and in the amount spread upon the taxable property in the several towns or other political subdivisions, the amount so certified by said commissioner to be borne by the said towns or political subdivisions, respectively.

§ 4. Section ten of said chapter, is hereby amended to read as follows:

§ 10. The several boards of inspectors of election in the county of Erie shall, upon the completion of the canvass of any general or special election, to which this act applies, make and sign an original statement thereof and two certified copies of the same, in the manner and in accordance with the provisions of sections one hundred and eleven and one hundred and twelve of the election law. One of such certified copies and one tally sheet shall be filed forthwith by one inspector deputed for that purpose, with the

Salaries and expenses, certification of to county clerk.

Statements of canvass, tally sheets, poll books, spoiled ballots, etc., filing of.

clerk of the town or the clerk of the city of Buffalo or the clerk of the city of Tonawanda, as the case may be, and one certified copy thereof filed with the clerk of the county of Erie. The original statement of the result of the canvass, together with one tally sheet, void and protested ballots, and any and all other packages and documents required by law to be filed by a board of election inspectors, except the certified copies of statement of canvass, poll lists and one tally sheet, shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of each board of inspectors with the commissioner of elections. The poll books for the several election districts of the city of Buffalo shall be filed by the board of election inspectors or the chairman thereof, with the commissioner of elections. The poll books for the several election districts in the city of Tonawanda shall be filed with the city clerk of Tonawanda, and those of the several towns of Erie county with the town clerks, respectively. The commissioner of elections shall, within ten days after any general or special election, cause tabulated statements of the result of such election to be made and certified, one of which shall be filed with the commissioner of elections, one with the clerk of the county of Erie and one each with the clerk of the city of Buffalo and the clerk of the city of Tonawanda, so far as they shall relate to the election of city or ward officers voted for or proposition submitted and voted upon at such election in each city, respectively. The commissioner of elections shall retain in his possession all registers of electors, enrollment books and poll books filed in his office, for two years subsequent to the election at which they are used, at the expiration of which period he is authorized to sell or destroy all such books excepting one enrollment book and one poll book for each election district for each year.

Tabular
statements.

§ 5. Section twelve of said chapter, is hereby amended to read as follows:

§ 12. Nothing in this act shall be construed to affect or limit the powers of the board of supervisors of Erie county or the board of aldermen of the city of Buffalo, or the board of aldermen of the city of Tonawanda, as boards of canvassers for the county of Erie and the city of Buffalo and the city of Tonawanda, respectively, nor the designation of polling places by town boards, nor the distribution of election supplies or posting of election notices by the town clerks of the several towns in the county of Erie, as

Powers of
county can-
vassers not
limited.

specified in the election laws, nor shall this act apply to the election of village and school district officers held at a time other than the time of a general election and special elections for town, village or school district purposes held at such other time, and elections for city or ward officers, or to vote upon propositions submitted, in cities of the third class held at such other time.

§ 6. This act shall take effect immediately.

Chap. 230.

AN ACT to authorize the city of Schenectady to borrow money and issue the bonds of said city therefor, for the purpose of purchasing the buildings and premises now used, occupied and owned by the hospital association of said city and for the repairing and renovation of said buildings and premises.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Schenectady is hereby authorized and empowered to issue the bonds of said city to an amount not exceeding in the aggregate thirty thousand dollars, in sums of one thousand dollars each, payable at such time within thirty years after their respective issues as the said common council shall determine, with interest payable semi-annually, at a rate not to exceed five per centum per annum, the rate thereof to be determined by the said common council. Such bonds shall be executed by the mayor and the treasurer of said city under the corporate seal of said city and countersigned by the comptroller of said city. The said comptroller shall sell and dispose of such bonds or any part thereof at public auction or by sealed proposals after giving at least three weeks' public notice of the time and place of sale by daily publication thereof in the official newspaper of said city and in such other newspapers as the said common council shall determine and shall award the same to the highest bidder or bidders therefor, but at not less than par and accrued interest.

Bonds,
issue of,
authorized;
execution
and terms
of.

§ 2. All moneys received from the sale of such bonds shall be deposited with the treasurer of said city who shall keep a separate account thereof and shall be used and expended for the purchasing of the buildings and premises now used, occupied and owned by the hospital association of the city of Schenectady and for the repairing and renovation of said buildings and premises.

Moneys
received
from sale
of bonds,
applica-
tion of.

§ 3. The interest and principal of such bonds shall be paid by said city when due, to the owners of said bonds and the sums of money required for such payment shall be assessed, levied, raised and collected by a tax, upon the real and personal property liable to taxation in said city and in the same manner as any other public or general tax of said city and in addition to the general and ordinary taxes of said city now authorized by law.

Payment
of bonds.

§ 4. This act shall take effect immediately.

Chap. 231.

AN ACT authorizing the board of estimate and apportionment of the city of New York to take proof of and pay the claim of Alfred C. Brainard, as surviving partner of E. D. Brainard and Sons, for two certain geyser fountains furnished to the city of New York.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized, in its discretion, to take proof of the claim of E. D. Brainard and sons, their successors and assigns, for two certain geyser fountains, one erected in Central park and another in Madison square park, in the city of New York, borough of Manhattan, between the first of September and the thirtieth of December, eighteen hundred and ninety seven, and to allow and pay the said E. D. Brainard and Sons, or their successors or assigns, such sum for said fountains as may seem just and equitable to such board. In payment of the sum so allowed, the said board of estimate and apportionment is hereby

Investiga-
tion of
claim au-
thorized.

authorized and empowered to apply any unexpended balance of appropriations heretofore made to the department of parks; and in case the amount of any such unexpended balance shall be insufficient to pay the sum so allowed, then the said board of estimate and apportionment may authorize the issue of special revenue bonds to meet such payment, and said bonds shall be redeemable from the proceeds of taxation in the year succeeding their issue.

§ 2. This act shall take effect immediately.

Chap. 232.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," in relation to health districts.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and twenty-six of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

Health
districts,
number of.

§ 226. The commissioner shall divide the city into not less than two nor more than twelve districts, to be known as health districts, and shall file with the city clerk a written designation of such districts; and he may from time to time alter such districts by filing with the clerk a written designation of such alteration.

§ 2. This act shall take effect immediately.

Chap. 233.

AN ACT to amend chapter five hundred and eighty-one of the laws of nineteen hundred and one, entitled "An act to authorize the construction and maintenance of a public market or markets in the city of Rochester, and the location and acquisition of grounds therefor, and to provide for the maintenance thereof."

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter five hundred and eighty-one of the laws of nineteen hundred and one, entitled "An act to authorize the construction and maintenance of a public market or markets in the city of Rochester, and the location and acquisition of grounds therefor, and to provide for the maintenance thereof," is hereby amended to read as follows:

§ 7. **Employment of assistants.**—The said market commissioners, for the purpose of performing the duties imposed upon them by this act, shall have the power to employ such assistants at such salaries or compensation as may be authorized and prescribed by the board of estimate and apportionment, which assistants and employees shall perform such duties as may be imposed upon him or them, respectively, by said market commissioners, and the salary or salaries or compensation of such assistants and employees, when certified by the market commissioners, shall be a charge upon the city of Rochester and shall be paid out of the moneys hereby authorized to be raised for the purposes of this act.

Section thirteen of said act is hereby amended to read as follows:

§ 13. **Rochester market bonds.**—For the purpose of providing funds to pay for lands acquired under the provisions of this act, and the expenses thereof, and of the cost of buildings and improvements thereon, the common council of the said city may, by a majority vote, from time to time, when requested by resolution of the board of market commissioners, cause to be issued bonds

of the city to be known as the "Rochester market bonds," to an aggregate amount not exceeding two hundred thousand dollars. Said bonds shall run for a period of twenty years, at a rate of interest not exceeding three and one-half per centum, and shall contain a provision that they may be redeemed at the end of ten years or thereafter, upon the payment of principal and accrued interest, and shall be sold after competition, upon sealed proposals. The city treasurer shall cause to be kept in his office in a book to be provided for that purpose, a true and accurate statement and account of each and every bond issued under the provisions of this act, showing the number of each bond, the date and amount thereof, and the time when due; and such books shall be open for public inspection and shall be delivered to his successor in office. The lands purchased with the proceeds of the sale of said bonds are hereby pledged for the payment of said bonds at maturity, and said bonds shall be paid out of the city treasury if the redemption fund hereby created shall prove insufficient therefor. The proceeds of one hundred and fifty thousand dollars of the bonds hereby authorized, or so much thereof as may be necessary, shall be used to pay, take up and retire all Rochester market bonds previously issued under the provisions of said chapter five hundred and eighty-one of the laws of nineteen hundred and one, and outstanding; and the premium realized upon the sale of the bonds hereby authorized shall be paid into the market bond redemption fund.

Section fourteen of said act is hereby amended to read as follows:

§ 14. **Market bond redemption fund.**—Until the bonds issued pursuant to the provisions of this act are paid, there shall be provided in each year, and paid into a fund to be known as the "market bond redemption fund," a sum which, with interest to the time of maturity of said bonds and computed at the rate of three and one-half per centum per annum, and compounded annually, is equal to five per centum of all outstanding market bonds. If the revenues and receipts of the said public market are less than a sum sufficient to pay the interest upon the market bonds, and the annual sinking fund installments, the amount of such deficiency shall be raised by general city tax.

Section fifteen of said act is hereby amended to read as follows:

§ 15. **Revenues from market.**—All revenues and receipts from said market shall be deposited with the city treasurer and placed to the credit of the public market fund. Such revenues shall be applied: First, to the payment of interest upon the bonds issued in pursuance of this act. Second, any excess of revenues, after the payment of the interest upon the bonds shall be applied to the payment of the annual sinking fund installment. Third, any excess of revenues remaining after the payment of the annual interest charges, and of the sinking fund installment shall be applied to the maintenance of said public market. Fourth, any excess of revenues remaining unexpended after the payment of the interest upon the bonds, the annual sinking fund installment and the annual expenses of maintenance, shall become available for the general expenses of the city government, and shall be applied to such public uses as in the judgment of the board of estimate and apportionment may be most beneficial to the city.

§ 2. This act shall take effect immediately.

Chap. 234.

AN ACT to release to Philip Schwendeman, Andrew Schwendeman, Caroline Schwendeman, Christina Susana Schwendeman, August Schwendeman, Louis Schwendeman, Philip Schwebius and Annie Schwebius, heirs at law of Andréas Schwendeman, deceased, all the right, title and interest of the people of the state of New York, in and to certain real estate, situate in the city, county and state of New York, known as number six hundred and nine East Fourteenth street, borough of Manhattan, in said city, of which Frederick Pauss died seized, acquired by escheat, or otherwise, upon the death of Frederick Pauss.

Became a law, April 19, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title and interest of the people of the state of New York, acquired by escheat, forfeiture, and otherwise upon the death of Frederick Pauss, deceased, of, in

Interest of
state
released.

Description
of property
released.

and to all that certain lot of land, with the buildings thereon erected, situate, lying and being in the eighteenth (late twelfth) ward of the city of New York, bounded and containing as follows, namely: Beginning at a point on the northerly side of Fourteenth street, distant one hundred and fifty-three feet seven and one-half inches easterly from Avenue B; running thence northerly and partly through the centre of a party wall and parallel to Avenue B one hundred and three feet and three inches; thence easterly and parallel with Fourteenth street, twenty-one feet ten and one-half inches; thence southerly and parallel with Avenue B and partly through the centre of a party wall, one hundred and three feet and three inches to the northerly side of Fourteenth street; and thence westerly along the northerly line of Fourteenth street twenty-one feet ten and one-half inches to the place of beginning: together with the right to use and occupy said party wall in common with the owners of adjoining houses. And now known as number six hundred and nine East Fourteenth street; is hereby released to and vested in Philip Schwendeman, Andrew Schwendeman, Caroline Schwendeman, Christina Susana Schwendeman, August Schwendeman, Louis Schwendeman, Philip Schwebius and Annie Schwebius, their heirs and assigns forever. The interests so released to vest in said persons per stirpes as heirs at law of Andreas Schwendeman.

Rights not
affected by
this act.

§ 2. Nothing herein contained shall be construed to impeach, release, or affect the rights in said real estate of any heir, devisee, purchaser, or creditor by judgment, mortgage or otherwise, in and to said premises or any part or parcel thereof or to warrant or insure by the state the title to said property in said Philip Schwendeman, Andrew Schwendeman, Caroline Schwendeman, Christina Susana Schwendeman, August Schwendeman, Louis Schwendeman, Philip Schwebius and Annie Schwebius, nor action or proceeding now pending.

§ 3. This act shall take effect immediately.

Chap. 235.

AN ACT to authorize the adjutant-general to reopen the claim made by George W. Herniman, late second lieutenant sixty-fifth regiment infantry, national guard, to be placed on the roll of invalid pensioners of the state, and to grant a rehearing of the application made by said Herniman to be placed on such roll.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adjutant-general is hereby authorized and empowered to reopen the claim made by George W. Herniman late second lieutenant of the sixty-fifth regiment infantry, national guard, to be placed on the roll of invalid pensioners of the state, and to grant a rehearing of the application made on the sixteenth day of April in the year nineteen hundred and one by said George W. Herniman to be placed on such roll of invalid pensioners for disability claimed to have been incurred in the line of duty while said George W. Herniman was in the service of the state as second lieutenant of company "B," of said sixty-fifth regiment; and in case it shall be decided upon such rehearing that said George W. Herniman is entitled to be placed upon such roll of invalid pensioners, the adjutant-general is hereby authorized and empowered to place said George W. Herniman upon such roll and said George W. Heriman* shall be entitled to receive a pension as provided by the military code.

Reinvestigation of claim authorized.

§ 2. If any witness who testified before the board of medical officers appointed to inquire into and report as to the cause and extent of the disability claimed to have been received while in the line of duty by said George W. Herniman, by special orders number twenty-two, issued by general headquarters State of New York on the sixth day of May, nineteen hundred and one, shall be dead or absent from the state, or cannot after due diligence be found, the testimony of such witness taken by and before such board upon the inquiry had by and before such board under the aforesaid special order number twenty-two, may be read and con-

Testimony of absent or deceased witnesses.

*So in original.

sidered upon such rehearing with like effect as if such witness had personally appeared and testified.

§ 3. This act shall take effect immediately.

Chap. 236.

AN ACT to authorize the common council of the city of New Rochelle, to procure an assessment map of said city, and to issue bonds in payment therefor.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of New Rochelle is hereby authorized and empowered, by resolution of its body, to cause to be made a map of said city, in such numbers, forms, and in accordance with such specifications as the common council may prescribe. The contract for the making of said map may be let without invitations for or obtaining competitive bids, if the common council shall so determine. Upon the completion of the said map to the satisfaction of, and its acceptance by the said common council, at least one complete copy thereof shall be transmitted to the assessors of said city for their use thereafter in making up the assessment roll of the real property in the city of New Rochelle.

§ 2. Said map shall be amended, from time to time, as occasion may require, by the city engineer under the direction of the common council.

§ 3. To defray the expense to be incurred for said map, the common council is hereby authorized and empowered by resolution of its body, to issue and sell bonds in the name of, on behalf of, and upon the credit of, the city of New Rochelle, to an amount not exceeding in the aggregate, the sum of fifteen thousand dollars. Said bonds shall be issued in the name and under the seal of the said city, signed by the mayor and city clerk thereof, and in such amounts, and bearing such rate of interest,

Maps of city, contracts for.

Expense of making maps; issue of bonds authorized.

not exceeding four per centum per annum, payable semi-annually, and payable in such instalments and at such times within twenty-five years of their date, as the common council shall determine; and the principal and interest thereof shall be payable at the office of the city treasurer of said city. Said bonds shall be numbered consecutively from one to the highest number so issued, and shall be known as "assessment map bonds," and shall be in such form as the common council shall prescribe, and shall contain a recital that they are issued pursuant to, and in conformity with, the provisions of this act; and the city treasurer shall keep a record in his office of the number of each bond, its date, amount, rate of interest, when payable, and the name of the purchaser thereof. Said common council shall sell and dispose of said bonds or any part thereof at not less than par and accrued interest, by sealed proposals after bids therefor have been advertised in the city official newspapers, at least once a week for two weeks, and in a newspaper published in the city of New York, to be designated by the mayor, daily for at least five days prior to the time of such sale. Said bonds shall be sold to the highest bidder, but the common council shall reserve the right to reject any or all bids. The common council shall require each bid to be accompanied with the deposit of a certified check or cash in such sum as it may determine, to be forfeited to the city if the party or parties to whom the bonds may be awarded, should fail to take and pay for the same in accordance with the terms of sale.

§ 4. The interest and principal of said bonds shall be paid by said city when due, and the sums of money required for such payment shall be assessed, levied, raised and collected by a tax upon the real and personal property liable to taxation in said city, and in the same manner as any other public or general tax of said city, and in addition to the general and ordinary tax of said city, now authorized by law.

§ 5. This act shall take effect immediately.

Chap. 237.

AN ACT to amend section thirty-eight of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the city of New Rochelle."

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-eight of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 38. General powers and duties of the receiver of taxes.—The receiver of taxes within forty days after his election shall make and execute as such, a bond to the city of New Rochelle with sufficient sureties, who shall be freeholders within and residents of the city, or with some solvent surety company of this state, in the penal sum of fifty thousand dollars, conditional for the faithful discharge of his duties and that he will account for and pay over all moneys received by him as such receiver, which bond must be approved by the common council and filed with the city clerk before he enters upon the duties of his office. Such bond shall be a lien upon the real estate in the city of the said receiver and his respective sureties until cancelled and discharged. The receiver of taxes shall have power, with the consent of the common council, to appoint and remove at pleasure as deputy receiver of taxes or as clerk, a person approved in writing by the sureties of the receiver of taxes. Such deputy shall possess the powers of the receiver of taxes. The receiver of taxes and his bondsmen shall be responsible to the city for the acts of said deputy or clerk. The appointment, the approval of said sureties thereto and the oath of office of said deputy or clerk, shall be filed with the city clerk. The compensation of such deputy or clerk shall be such sum as the common council shall determine, not to exceed nine hundred dollars per annum. The receiver of taxes upon receiving any warrant for the collection of taxes, shall cause to be published, in the official city newspapers, a notice that he has received such warrant. Such notice shall designate his office hours, the place where he will attend to re-

ceive taxes, and the rate of interest, and the percentage to be paid thereon. The common council shall provide an office for the receiver of taxes. Such office shall be kept open such days and during such hours as the common council may direct. The receiver of taxes shall receive all taxes and assessments for the collection of which warrants shall be issued to him. All provisions of law relating to collectors of towns, not inconsistent with this act, shall apply to the receiver of taxes, except that he is not required to call personally upon or at the place of residence of any person to demand payment of a tax or assessment, and he shall not levy taxes or assessments by distress and sale. The receiver of taxes shall deposit daily in the city treasury all moneys received by him by virtue of any warrant, and take receipts in duplicate therefor. The said receiver must enter daily, in suitable books to be kept for that purpose, the sums received by him for taxes, assessments, interest, percentage and the expenses of publication, respectively, in separate columns, opposite the name of the person from whom received, and each day's receipts must be kept separately. The receiver must enter on the tax-rolls and assessment-lists, as taxes and assessments are paid, in a column opposite the name of the person or the property assessed, the word "paid," and the date of payment. If the receiver shall not pay all moneys received by him, as directed to be paid, or shall neglect or refuse to exhibit his books and accounts to the mayor, or to any person designated by the mayor, or to do any act lawfully enjoined upon him, the mayor shall forthwith suspend the said receiver from office and call a special meeting of the common council to be held within three days thereafter, at which meeting he shall report such suspension, and his reasons therefor. Upon such suspension, the mayor shall forthwith take possession of the office of said receiver, and of all his warrants, books and papers, and shall appoint a person to perform the duties of his office pro tempore. At the time of making such appointment, the mayor shall take from the person so appointed a bond, in the same form and with like penalty and sureties as is required from the receiver of taxes, which bonds shall be approved by him, and filed with the city clerk, and the provisions of this act as to the duties, powers and liabilities of the receiver of taxes shall apply to any person so appointed, and to his sureties. The receiver of taxes shall, on the first day of August in every year,

except that his warrants be extended by the common council, present to the common council a detailed statement of his accounts showing separately all the moneys received by him on each warrant during the preceding year, for what purposes, and an itemized list of the taxes and assessments remaining unpaid under each warrant, which account shall be verified by his oath, and accompanied with vouchers for all moneys paid by him. Within fifteen days from the time specified in any warrant for its return, or if the time of its return be extended, then within fifteen days from the time to which its return shall have been extended, the receiver of taxes shall make and deliver to the common council a return of all taxes or assessments mentioned in the tax-roll or assessment-list remaining unpaid at the time of making such return. The receiver of taxes may receive payment of taxes and assessments under such warrant until the delivery of said return to the common council.

§ 2. All acts and parts of acts, inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 238.

AN ACT to amend section two hundred thirty of chapter six hundred fifteen of the laws of eighteen hundred ninety-four, entitled "An act to revise the charter of the city of Elmira," in relation to claims for damages arising from defective streets, sidewalks, et cetera.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred thirty of chapter six hundred fifteen of the laws of eighteen hundred ninety-four, entitled "An act to revise the charter of the city of Elmira" is hereby amended to read as follows:

§ 230. The city of Elmira shall not be liable for the damage or injury sustained by any person in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk in said city, being out of repair, unsafe, dangerous or obstructed by snow,

Liability
of city for
damages for
injuries
arising from
unsafe side-
walks, etc.

ice, or otherwise, or in any way or manner, unless actual notice of the defective, unsafe, dangerous or obstructed condition of said street, highway, bridge, culvert, sidewalk or crosswalk shall have been given to the board of public works of said city, or the superintendent of public works of said city, or at the office of the board of public works of said city to the person having charge thereof, forty-eight hours previous to said damage or injury. All claims against the city for damages or injury alleged to have arisen from the defective, unsafe, or dangerous condition of any street, highway, bridge, culvert, sidewalk or crosswalk of or in said city, or from negligence of the city authorities in respect to any street, highway, bridge, culvert, sidewalk or crosswalk shall, within three months after the happenings of such damage or injury, be presented by or in behalf of such claimant to the mayor or city attorney in writing, signed by the claimant or his agent or representative's attorney, and duly verified by one of such parties, describing the time and location of the place where such injury occurred, cause and extent of damage or injury. The omission to present such claim as aforesaid within said three months shall be a bar to any action or proceeding therefor against the city. No action for such damages or injury shall be maintained unless commenced within two years from the happening of the same. Every process commencing an action against the city, shall be served on the mayor of said city, and not otherwise.

Claims for
injuries,
presenta-
tion of.

§ 2. This act shall take effect immediately.

Chap. 239.

AN ACT to amend chapter six hundred fifteen of the laws of eighteen hundred ninety-four, entitled "An act to revise the charter of the city of Elmira," relative to the commissioners of cemeteries.

Accepted by the city.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred eight of chapter six hundred fifteen of the laws of eighteen hundred ninety-four, entitled

"An act to revise the charter of the city of Elmira," is hereby amended to read as follows:

Fund for
improvement
of cemetery,
how used.

§ 208. Said board of commissioners shall create a fund by appropriating thereto annually one-half of the gross receipts of the sale of lots in said cemeteries. The moneys of such fund shall be applied as follows: First, to the payment of any mortgage upon any of the land of said cemeteries and of any bonds existing on account thereof; second, to the accumulation of an improvement fund. Except as hereinafter in this section provided the moneys applicable to such improvement fund shall be kept invested securely and as advantageously as is practicable by said cemetery commission, and shall be invested in securities in which the funds of savings banks incorporated under article three of the banking laws of the state of New York may be invested, and the interest thereof be applied to repairing and maintaining roads, fences, monuments, abandoned lots and grounds of said cemeteries, and to no other purposes or object. The said board of commissioners shall not have power to invest said improvement fund in any real estate except at sales upon the foreclosure of mortgages owned by it, or on judgments or decrees obtained or rendered for debts due to it or any settlements effected to secure such debts, but such board may use such part of the principal of said improvement fund as it may deem wise for the erection, alteration or repairs of any building or buildings within the cemeteries owned by the city as shall be necessary or convenient for the purposes of said cemeteries.

Investment
of fund.

§ 2. Section two hundred nine of said chapter, is hereby amended to read as follows:

§ 209. Any person owning a lot in any of the said cemeteries, or the executor of the last will and testament of such owner, when so authorized by said last will and testament, may deliver to said board of commissioners, which shall receive the same, a sum of money, not exceeding three hundred dollars for each lot of said owner, as a permanent fund for keeping such lot in order, and no claim for the repayment of such sum, or any part thereof, shall thereafter be made against the city of Elmira or said board of commissioners by any person or persons. Said board of commissioners shall invest and keep invested, securely and as advantageously as shall be practicable, in the securities in which said board is authorized by section two hundred eight

Requests by
lot owners,
investment of.

of this act to invest "the improvement fund," all moneys so delivered to and received by it, and the interest from each sum so delivered and received shall, during every year after the receipt thereof, be expended in keeping in order the lot for the benefit of which said sum was received. Any person may give or bequeath to said board of commissioners any sum of money, to be wholly expended by said board within a time specified by the donor, or, if no time be so specified, to be expended by the said board, in its discretion, in keeping in order or beautifying such lot or lots as may be designated in connection with such gift or bequest, or, in case no such designation shall be made, then in keeping in order and beautifying said cemeteries.

§ 3. This act shall take effect immediately.

Chap. 240.

AN ACT to authorize and empower the commissioners of the land office to convey to the United States of America certain lands in what was formerly known as the town of Southfield, in the county of Richmond, known as lot number eleven, map or page eleven, tax maps of the town of Southfield, said lot being a part of the Fort Wadsworth military reservation and having been sold by the treasurer of Richmond county to the state of New York for taxes in eighteen hundred and ninety-six.

Became a law, April 19, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the land office are hereby authorized and empowered to grant and convey to the United States of America, upon such terms as to them may seem just and equitable, all the right, title and interest which the people of the state of New York acquired through the sale for unpaid taxes, held by the treasurer of Richmond county in the year eighteen hundred and ninety-six, to lot number eleven, map or page eleven, tax maps of the town of Southfield, Richmond county, jurisdiction over said land having been ceded to the United States by chapter eighteen of the laws of eighteen hundred and ninety-six.

§ 2. This act shall take effect immediately.

Chap. 241.

AN ACT to amend the tax law, by providing for a tax on transfers of stock.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation constituting chapter twenty-four of the general laws," is hereby amended by inserting therein a new article to be article fifteen and to read as follows:

ARTICLE XV.

TAX ON TRANSFERS OF STOCK.

Section 315. Amount of tax.

- 316. Stamps how prepared and sold.
- 317. Penalty for failure to pay tax.
- 318. Cancelling stamps; penalty for failure.
- 319. Contracts for dies; expenses how paid.
- 320. Illegal use of stamps; penalty.
- 321. Power of state comptroller.
- 322. Civil penalty; how recovered.
- 323. Effect of failure to pay tax.
- 324. Application of taxes.

Section 315. Amount of tax.—There is hereby imposed and there shall immediately accrue and be collected a tax as herein provided, on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any domestic or foreign association, company or corporation, made after the first day of June nineteen hundred and five, whether made upon or shown by the books of the association, company or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or the future transfer of any stock, on each hun-

dred dollars of face value or fraction thereof, two cents. It is not intended by this act to impose a tax upon an agreement evidencing the deposit of stock certificates as collateral security for money loaned thereon which stock certificates are not actually sold, nor upon such stock certificates so deposited. The payment of such tax shall be denoted by an adhesive stamp or stamps affixed as follows: In case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale to which the stamp provided for by this article shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers, and no further tax is hereby imposed upon the delivery of the certificate of stock, or upon the actual issue of a new certificate when the original certificate of stock is accompanied by the duly stamped memorandum of sale.

§ 316. Stamps how prepared and sold.—Adhesive stamps for the purpose of paying the state tax provided for by this article shall be prepared by the state comptroller, in such form, and of such denominations and in such quantities as he may from time to time prescribe, and shall be sold by him to the person or persons desiring to purchase the same; he shall make provision for the sale of such stamps in such places and at such times as in his judgment he may deem necessary.

§ 317. Penalty for failure to pay tax.—Any person or persons who shall make any sale, without paying the tax by this article imposed or who shall in pursuance of any sale, deliver any stock, or evidence of the sale of any stock or bill or memorandum thereof, without having the stamps provided for in this article affixed thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or by both such fine and imprisonment at the discretion of the court.

§ 318. **Cancelling stamps; penalty for failure.**—In every case where an adhesive stamp shall be used to denote the payment of the state tax provided by this article the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, and shall cut or perforate the stamp in a substantial manner, so that such stamp cannot be again used; and if any person fraudulently makes use of an adhesive stamp to denote the state tax imposed by this article, without so effectually cancelling and obliterating such stamp such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than two hundred nor more than five hundred dollars or be imprisoned for not less than six months, or both, at the discretion of the court.

§ 319. **Contracts for dies; expenses how paid.**—The state comptroller is hereby directed to make, enter into and execute for and in behalf of the state such contract or contracts for dies, plates and printing necessary for the manufacture of the stamps provided for by this article, and provide such stationery and clerk hire together with such books and blanks as in his discretion may be necessary for putting into operation the provisions of this article; he shall be the custodian of all stamps, dies, plates or other material or thing furnished by him and used in the manufacture of such state tax stamps, and all expenses incurred by him and under his direction in carrying out the provisions of this article shall be paid to him by the state treasurer from any moneys appropriated for such purpose.

§ 320. **Illegal use of stamps; penalty.**—Any person who shall wilfully remove or cause to be removed, alter or cause to be altered the cancelling or defacing marks of any adhesive stamp provided for by this article with intent to use the same, or to cause the use of the same after it shall have been once used, or shall knowingly or wilfully sell or buy any washed or restored stamp, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same or prepare the same with intent for the further use thereof; or shall wilfully use any counterfeit stamp or any forged stamp with intent to defraud the state of New York, shall be guilty of a misdemeanor and on conviction thereof shall be liable to a fine of not less than five hundred nor more than one thousand dollars, or be im-

prisoned for not more than six months, or by both such fine and imprisonment, at the discretion of the court.

§ 321. **Power of state comptroller.**—The state comptroller may at any time after transfers of stock which by the provisions of this article are subject to a state stamp tax, inquire into and ascertain whether the tax imposed by the provisions of this article has been paid. For the purpose of ascertaining such fact the comptroller shall have the right and it shall be his duty to examine the books and papers of any person, firm, company, association or corporation. If from such examination the comptroller ascertains that the tax provided for in this article has not been paid he shall bring an action in any court of competent jurisdiction for the recovery of such tax and for any penalty incurred by any person under the provisions of this article.

§ 322. **Civil penalty; how recovered.**—Any person who shall violate the provisions of this article shall in addition to the penalties herein provided forfeit to the people of the state a civil penalty of five hundred dollars for each violation. The state comptroller shall bring an action in his name as such comptroller in any court of competent jurisdiction for the recovery of any civil penalty and all moneys collected by him shall be paid into the state treasury.

§ 323. **Effect of failure to pay tax.**—No transfer of stock made after June first, nineteen hundred and five, on which a tax is imposed by this article, and which tax is not paid, at the time of such transfer shall be made the basis of any action or legal proceedings, nor shall proof thereof be offered or received in evidence in any court in this state.

§ 324. **Application of taxes.**—The taxes imposed under this article and the revenues thereof shall be paid by the state comptroller into the state treasury and be applicable to the general fund, and to the payment of all claims and demands which are a lawful charge thereon.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT to amend the penal code, in relation to forging state stamps.

Became a law, April 19, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five hundred and seventeen of the penal code is hereby amended to read as follows:

§ 517. Forging United States or state stamps.—A person who forges, counterfeits or alters any postage or revenue stamp of the United States, or any tax or revenue stamp of the state of New York, or who sells, or offers, or keeps for sale, as genuine or as forged, any such stamp, knowing it to be forged, counterfeited or falsely altered, is guilty of forgery in the third degree.

§ 2. This act shall take effect immediately.

Chap. 243.

AN ACT to amend the agricultural law, in relation to the collection and dissemination of agricultural statistics.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," is hereby amended by adding a new article to be article fourteen thereof, and to read as follows:

ARTICLE XIV.

AGRICULTURAL STATISTICS.

Section 190. Collection and dissemination of statistics.

191. Information to be furnished by supervisors.

Section 190. Collection and dissemination of statistics.—The commissioner of agriculture may collect and disseminate such

information relative to agriculture, and agricultural labor within the state, as he may deem wise for the purpose of promoting agricultural production within this state.

§ 191. Information to be furnished by supervisors.—Supervisors of the different towns and wards in this state shall furnish to the commissioner of agriculture upon request from him, upon blanks to be furnished by the said commissioner, such information as may be in their possession or may be obtained by them relative to agriculture, agricultural production and agricultural labor within their respective towns or wards. Such information to be furnished to said commissioner within thirty days from the time it is asked for. The expense incurred by the several supervisors in furnishing such information shall be a town charge to be paid in the manner now provided by law for the payment of services and disbursements by such supervisor.

§ 2. This act shall take effect immediately.

Chap. 244.

AN ACT to amend the county law, in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the court of claims by such county against the state of New York.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter one hundred and thirty of the laws of nineteen hundred, and chapter two hundred and ninety-six of the laws of nineteen hundred, and chapter two hundred and fifty-five of the laws of nineteen hundred and one, and chapter four hundred and sixty-five of the laws of nineteen hundred and three, is hereby amended by adding at the end of such section, a new subdivision, to be known as subdivision nineteen, and to read as follows:

Judgments
against the
state, as-
signment
of, to the
comptroller.

19. Whenever a judgment has been rendered in the court of claims in favor of any county against the state of New York, and the time to appeal therefrom has expired or the attorney-general has issued a certificate that there has been no appeal and that no appeal will be taken by the state from such judgment, the board of supervisors of such county may sell, assign, transfer or set over such judgment unto the comptroller, who may purchase the same as an investment for the various trust funds of the state or canal debt sinking fund, or unto any person, firm, association or corporation desiring to purchase such judgment, for a sum not less than the amount for which same was rendered with accrued interest but no judgment so acquired by the state shall be deemed merged or satisfied thereby. And such board of supervisors may designate and authorize its chairman and clerk, the treasurer of the county and the attorney of record procuring the entry of such judgment, or any or either of them to execute in the name of the county and deliver unto the party purchasing such judgment the necessary release, transfer or assignment required in law to complete such sale, setting over, transfer or assignment.

§ 2. This act shall take effect immediately.

Chap. 245.

AN ACT to authorize the city of Ogdensburg to borrow money for the purpose of erecting, repairing and furnishing school buildings in said city and to issue bonds therefor.

Accepted by the city.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School
bonds,
amount and
terms of.

Section 1. The common council of the city of Ogdensburg shall have authority and it shall be its duty to cause registered or coupon bonds of said city to be issued under the seal and upon the credit of said city and to be denominated "school bonds," in the sum of forty thousand dollars, and in denominations of from one hundred to one thousand dollars, as shall be most

convenient. Said bonds shall run from one to twenty years from the first day of May one thousand nine hundred and five, so that two thousand dollars of the principal thereof shall fall due in each succeeding year thereafter; and said bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually; and said bonds shall be issued under the seal and upon the credit of said city, and shall be signed by the mayor and attested by the city clerk and may be made payable in the city of Ogdensburg or in the city of New York, as to the common council may seem best. Said bonds shall be sold by the treasurer of said city of Ogdensburg under the superintendence and as directed by the board of education of said city after suitably advertising for proposals for the purchase of the same, but not for less than their par value; and may be so sold either all at one time or from time to time in such portions and parts as may be required by said board of education for the purposes hereinafter mentioned.

§ 2. The proceeds arising from the sale of said bonds shall be held by the city treasurer to the credit of said board of education and the same shall be available and used by said board for the purpose of purchasing a site or sites for and erecting suitable school buildings, and repairing and furnishing the same, and the other school buildings now in said city.

Application of money received from sale of bonds.

§ 3. Said treasurer shall keep a true record of all such bonds so sold, by number, date, amount and names of payees, which record shall be subject at all reasonable times to inspection by the common council and board of education of said city or any taxpayer thereof.

Record of bonds.

§ 4. The common council of said city shall annually, after the issue of said bonds, cause to be levied upon the taxable property in the school district mentioned and described in chapter three hundred and eighty-two of the laws of eighteen hundred and fifty-seven, entitled "An act in relation to schools and academies in the village of Ogdensburg," and the acts amendatory thereof, a tax sufficient to pay the principal and interest of said bonds falling due each year, and shall cause such tax to be collected with the next city tax in the manner provided by said act, which tax shall be in addition to other taxes levied under said act.

Payment of bonds.

§ 5. This act shall take effect immediately.

Chap. 246.

AN ACT authorizing the town of Middletown, Delaware county, to issue bonds to retire outstanding certificates of indebtedness against said town.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Taxpayers may authorize town board to issue bonds to retire certificates of indebtedness.

Section 1. A majority of the taxpayers of the town of Middletown, Delaware county, voting at a general town meeting, or at a special town meeting called by the town board for such purpose, and qualified to vote thereat, may authorize the town board to issue the bonds of the town, in an amount not exceeding twenty thousand dollars, to retire outstanding certificates of indebtedness of the town that were issued by the supervisor and town clerk pursuant to resolutions of the town board, of said town, passed on the following dates: August second, nineteen hundred and one; November seventh, nineteen hundred and one; March third, nineteen hundred and three; July fifth, nineteen hundred and three; December thirty-first, nineteen hundred and three; February fifth, nineteen hundred and four; March eighth, nineteen hundred and four; July fifth, nineteen hundred and four; August fifth, nineteen hundred and four; September second, nineteen hundred and four; and November eleventh, nineteen hundred and four, and authorizing the supervisor and town clerk to borrow money to be used for town purposes and to issue certificates for said loans against the town of Middletown and to reissue certificates outstanding, against said town, when due.

Provisions of bonds.

§ 2. The bonds issued pursuant to this act must conform with the requirements of section seven of the general municipal law, and be issued in accordance with the provisions of such section; and such certificates outstanding against the town of Middletown issued pursuant to the resolutions of the town board, shall be regarded as original bonds within the meaning of such section.

Bonds to be valid obligations

§ 3. Bonds issued pursuant to this act shall be valid and binding obligations of the town of Middletown, notwithstanding

any defects, invalidity or irregularity in the certificates they are to retire, or in the proceedings or authority by which such certificates were issued.

§ 4. This act shall take effect immediately.

Chap. 247.

AN ACT to amend chapter two hundred and thirty-eight of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the payment of the crier and attendants of the court of appeals," relating to the appointment of a law clerk and a confidential clerk to the chief judge of such court.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two hundred and thirty-eight of the laws of eighteen hundred and seventy-one, entitled, "An act to provide for the payment of the crier and attendants of the court of appeals," is hereby amended by adding thereto a new section to be known as section two and to read as follows:

§ 2. The court of appeals is hereby authorized to appoint a law clerk at a salary not to exceed two thousand dollars, and the chief judge of such court is hereby authorized to appoint a confidential clerk at a salary of twenty-five hundred dollars. Said confidential clerk shall be in lieu of the clerk allowed the chief judge of the court of appeals pursuant to section two hundred and two of the code of civil procedure.

Law clerk and confidential clerk to chief judge, appointment and compensation of.

§ 2. This act shall take effect immediately.

Chap. 248.

AN ACT to amend the penal code, relative to bank officers.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred of the penal code, is hereby amended to read as follows:

§ 600. Bank officer overdrawing his account or asking for or receiving commissions or gratuities from persons procuring loans or making overdrafts of their accounts.—An officer, director, agent, teller, clerk or employee of any bank, banking association, savings bank or trust company, who, either,

1. Knowingly overdraws his account with such bank, banking association, savings bank or trust company, and thereby obtains the money, notes or funds of any such bank, banking association, savings bank or trust company; or

2. Asks or receives, or consents or agrees to receive, any commission, emolument, gratuity or reward, or any promise of any commission, emolument, gratuity or reward, or any money, property or thing of value or of personal advantage, for procuring or endeavoring to procure for any person, firm or corporation, any loan from, or the purchase or discount of any paper, note, draft, check or bill of exchange, by any such bank, banking association, savings bank or trust company, or for permitting any person, firm or corporation to overdraw any account with such bank, banking association, savings bank or trust company, is guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 249.

AN ACT to amend chapter three hundred and thirty-two of the laws of eighteen hundred and ninety, entitled "An act to authorize the supervisor, justices of the peace and town clerk, of any town having a population of more than three thousand, to license and regulate all public hacks, vehicles, venders, shows, concerts and public amusements in such town," in relation to the licensing and regulation of public hacks, vehicles, venders, shows, concerts, merry-go-rounds and other forms of public amusements, prescribing a penalty for violation of this act and the manner of its enforcement.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and thirty-two of the laws of eighteen hundred and ninety, entitled "An act to authorize the

supervisor, justices of the peace and town clerk of any town having a population of more than three thousand, to license and regulate all public hacks, venders, shows, concerts and public amusements in such town," is hereby amended to read as follows:

§ 1. The supervisor, justices of the peace and town clerk of any town having a population, as shown by the last federal or state enumeration, of more than three thousand inhabitants residing outside of an incorporated city, or village, are hereby authorized and empowered to license and regulate all public hacks, vehicles, venders, shows, concerts, public amusements, merry-go-rounds, carousals, toboggan slides, ferris wheels, rope dancing, loop-the-loop, public gardens, tragedy, comedy, opera, ballet, play, farce, minstrelsy or dancing, or any other entertainment of the stage, or any part or parts thereof, or any equestrian, circus or dramatic performance, or any performance of jugglers or acrobats, in such town outside of an incorporated city or village, and to fix the fee to be paid for the persons so licensed to said officers, which money so collected shall be paid over to the supervisor of such town within thirty days after the receipt of the same, and the said supervisor shall pay the same over to the commissioners, of highways of such town, to be applied to the necessary repairs of the roads and highways of such town, after deducting the necessary expenses for carrying out the provisions of this act.

§ 2. The said officers shall have power to make and establish such rules, regulations and ordinances, not inconsistent with the laws of this state, as they may deem necessary for the proper regulation of such hacks, vehicles, venders, shows, concerts, public amusements, merry-go-rounds, carousals, toboggan slides, ferris wheels, rope dancing, loop-the-loop, public gardens, tragedy, comedy, opera, ballet, play, farce, minstrelsy or dancing, or any other entertainment of the stage, or any part or parts thereof, or any equestrian, circus or dramatic performance, or any performance of jugglers or acrobats. Such rules, regulations and ordinances shall be posted in at least ten public places in such town.

§ 3. It shall not be lawful, in any town where the officers mentioned in this act shall have made and established rules, regulations and ordinances as in this act provided for, to conduct, or operate, any public hacks, vehicles or peddling or to maintain, operate, carry on or exhibit any shows, concerts, public amusements, merry-go-rounds, carousals, toboggan slides, ferris wheels,

Licenses
for amuse-
ments,
hacks, etc.

Regulation
of vehicles
and amuse-
ments, ordi-
nances for.

Operating
vehicles and
conducting
amusements
without
licenses
unlawful.

rope dancing, loop-the-loop, public gardens, tragedy, comedy, opera, ballet, play, farce, minstrelsy or dancing, or any other entertainment of the stage, or any part or parts thereof, or any equestrian, circus or dramatic performance, or any performance of jugglers or acrobats, until a license for conducting, maintaining, carrying on, and exhibiting, the same shall have been first had and obtained, signed by the supervisor and town clerk of any such town, and each and every violation of the provisions of this act as amended shall be a misdemeanor.

§ 4. Subject to the power of removal provided for in chapter one, title six of the code of criminal procedure, courts of special sessions in any such town have, in the first instances, exclusive jurisdiction to hear and determine charges of violating the provisions of this act as amended, and all violations of any rule, regulation or ordinance established by the officers of any such town as provided for in this act as amended; and any person violating the provisions of this act, as amended, or any rule, regulation or ordinance established by said officers as in this* as amended provided for, shall be guilty of a misdemeanor.

§ 5. In case any person shall operate or conduct, any public hack, vehicle, or peddling or shall open, advertise to open, operate, maintain or conduct any show, concert, public entertainment, merry-go-round, carousal, toboggan slide, ferris wheel, rope dancing, loop-the-loop, public garden, tragedy, comedy, opera, ballet, play, farce, minstrelsy or dancing, or any other entertainment of the stage, or any part or parts thereof, or any equestrian, circus, or dramatic performance or any performance of jugglers or acrobats, in any such town without first obtaining a license therefor as provided for by this act as amended, or as provided for by the rules, regulations and ordinances adopted by any town as herein provided for, it shall, and may be lawful for the town, in its corporate name, to apply to the supreme court, or any justice thereof, for an injunction to restrain the opening, carrying on, or maintaining thereof, until he shall have complied with the requisites of this act and of the rules, regulations and ordinances adopted by any said town in obtaining such license, which injunction may be allowed upon a complaint to be in the name of the town in the same manner as injunctions are now usually allowed by the practice of said court; and the said town is not

*So in original.

required to give any undertaking on any such application granted or applied for under the provisions of this act.

§ 6. This act shall take effect immediately.

Chap. 250.

AN ACT to release the interest of the people of the state of New York, in certain real estate in the city and county of New York, state of New York to Raoul Dupuy, Marie Bazian (nee Marie Dupuy), Josephe Despeyroux Paris, Eleonore Despeyroux Lamarque, Julianne Despeyroux, Marie Pauline Basso and Alexandre Basso, and to their heirs and assigns forever.

Became a law, April 20, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title, interest and property which the people of the state may have acquired by escheat at the death of Bartholomew Dupuy, Elizabeth Dupuy, Simon Dupuy, and Marie Despeyroux (nee Marie Dupuy) in and to all that certain lot, piece or parcel of land situate, lying and being in the state, city and county of New York and known as number four hundred and twelve West Thirty-fifth street, and particularly designated in section three, block seven hundred and thirty-two, as lot number forty-seven, according to the real estate map of the city of New York, filed in the register's office of said city, is hereby granted, conveyed and released to Raoul Dupuy, Marie Bazian (nee Marie Dupuy) Josephe Despeyroux Paris, Eleonore Despeyroux Lamarque, Julianne Despeyroux, Marie Pauline Basso and Alexandre Basso, and to their heirs and assigns forever.

§ 2. Nothing herein contained shall be so construed as to impair or discharge the right, claim or interest of any purchaser, heir-at-law, next of kin or of any creditor by mortgage, judgment or otherwise in said real estate, nor shall it affect any action or proceeding now pending.

§ 3. This act shall take effect immediately.

Chap. 251.

AN ACT to amend the insurance law, as to how surplus profits are to be estimated in the case of domestic fire insurance corporations.

Became a law, April 20, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventeen of article three of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," is hereby amended to read as follows:

§ 117. **How surplus profits to be estimated.**—In estimating the surplus profits of a fire insurance corporation for the purpose of making any dividend upon its capital stock, there shall be reserved from such profits a sum equal to the amount of all unearned premiums on unexpired risks and policies, and all sums due the corporation on bonds and mortgages, bonds, stocks and book accounts, of which no part of the principal or interest thereon has been paid during the last year, and for which foreclosure or suit has not been commenced for collection or which, after judgment obtained thereon, shall have remained more than two years unsatisfied, and on which interest shall not have been paid, and all interest due or accrued and remaining unpaid. But no corporation may declare dividends exceeding ten per centum on its capital stock in any one year unless, in addition to the amount of its capital stock, such dividend, all outstanding liabilities and the amount of all unearned premiums on unexpired risks and policies as aforesaid, it shall have and be in possession of surplus profits to an amount equalling thirty per centum of its unearned premiums. Any dividend made contrary to the provisions of this section shall work a forfeiture of the charter of the corporation, and each stockholder receiving any such dividend shall be liable to the creditors of the corporation to the extent of the dividend received in addition to the other penalties and punishments prescribed by law. This section shall not apply to the declaration of scrip dividends by

participating corporations. No such scrip dividends shall be paid, except from the surplus profits, after reserving all sums as above provided, including the whole amount of unearned premiums on unexpired risks. And whenever any fire insurance corporation shall have accumulated and be in possession of a fund in addition to the amount of its capital stock, and all actual outstanding liabilities in excess of one-half of the amount of all premiums on risks not terminated such corporation may increase its capital stock from such fund; and distribute such increase pro rata to the stockholders of such corporation, provided, always, that such increase shall be equal to at least twenty-five per centum of the original capital stock of said corporation and shall have been approved by the superintendent of the insurance department and authorized by at least three-fourths of the board of directors of such corporation, and provided, also, that any such corporation may hereafter make and declare a dividend as provided by this chapter.

§ 2. This act shall take effect immediately.

Chap. 252.

AN ACT authorizing villages and cities to insure normal schools.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for each village and city in this state, wherein is located* a state normal and training school, to insure and keep insured, the real and personal property of such school against loss or damage by fire, when the state refuses to insure, or keep adequately insured, such property. The insurance is to be in the name of the state, and in case of loss, any moneys obtained from such insurance are to be used and disposed of the same as if the state had effected such insurance. The amount of insurance to be carried shall be determined by the municipal authorities of such village or city.

When cities and villages may insure normal schools.

§ 2. The amount of money necessary to effect and continue such insurance shall be raised annually by such village or city

Money to pay insurance, how raised.

*So in original.

at the same time, and in the same manner, as the ordinary expenses of the village or city are raised.

§ 3. This act shall take effect immediately.

Chap. 253.

AN ACT to amend chapter eight hundred and fifty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the statutes in reference to the collection of taxes in the county of Onondaga," relative to the time of filing statement of unpaid taxes by the county treasurer of Onondaga county.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter eight hundred and fifty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the statutes in reference to the collection of taxes in the county of Onondaga," as amended by chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-nine, and chapter three hundred and thirty-two of the laws of nineteen hundred and four, is hereby amended to read as follows:

Payment
to county
treasurer
of moneys
received
for taxes.

§ 1. It shall be the duty of the treasurer of the city of Syracuse, to pay to the county treasurer of Onondaga county, on the first Tuesday of each January, February, March and April, respectively, next succeeding the delivery of the annual tax rolls of state and county taxes to him by the board of supervisors of Onondaga county, all moneys collected by him for state and county taxes in accordance with said tax rolls and annexed warrants, and on the first Tuesday of May next succeeding the delivery of said rolls to him, to return to the county treasurer an account of all state and county taxes remaining unpaid in manner and form required by law, and pay over to said county treasurer all moneys then remaining in his hands, received by him for said taxes. Neither the city treasurer nor any collector shall enforce the payment of any such taxes assessed upon real estate in said county by levy upon the sale of personal property, but an account of all such taxes remaining unpaid at the expiration of the period for payment to the city treasurer and col-

Statement
of unpaid
taxes.

lectors shall be returned by them to the county treasurer as provided by law and the collection thereof shall be enforced by him in the manner hereinafter provided. On or before the first day of January, nineteen hundred and five, and on the first day of July, of each and every year thereafter the county treasurer shall prepare and file with the county clerk a certified statement containing a list of all unpaid taxes returned to him by the collectors of the several towns, which remain unpaid and a statement of which has not previously been filed with said clerk. The county clerk shall cause the same to be entered of record and properly indexed. Upon the payment to the county treasurer of any unpaid tax appearing upon any such statement, together with the accumulated fees, interest, expenses and charges thereon, he shall deliver to the person paying the same a discharge thereof, which may be filed with the county clerk and when so filed shall be entered upon and shall operate to discharge said tax of record. A transcript of the record of every such tax, remaining undischarged of record, shall be noted upon every subsequent abstract of title of the premises affected thereby. The expense of preparing such statement shall be a county charge. The county clerk shall be entitled to charge and receive a fee of twenty-five cents for each parcel of land described in any such statement or discharge, for filing, entering and indexing the same. When such fees shall be paid by the county treasurer, he shall add to and collect the same as a part of the expense charged against the property affected thereby.

Statement
to be filed
with county
clerk.

Discharge
to be filed
with county
clerk.

§ 2. This act shall take effect immediately.

Chap. 254.

AN ACT to authorize the town of Pelham, in the county of Westchester, to acquire a site and construct a new town hall in said town, and to issue bonds in payment therefor.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The taxpayers of the town of Pelham, in the county of Westchester, may, at a biennial town meeting, or at any special town meeting of such town to be called, held and con-

Taxpayers
at town
meeting
may vote
to raise
money to
build town
hall.

ducted in pursuance of the provisions of law for calling, holding and conducting special town meetings, for the purpose for which such special town meetings are authorized by law to be called and held, vote by ballot, a sum not exceeding twenty-five thousand dollars, for the purpose of constructing and finishing a new town hall in and for said town of Pelham, in place of the one already owned by such town.

May also
vote to ac-
quire site.

§ 2. The taxpayers at such town meeting may also vote by ballot upon the proposition to acquire a suitable site upon which to erect such town hall, which site may be differently located than the one at present owned by said town and to vote a sum not exceeding five thousand dollars to pay therefor; and if the minutes of such town meeting, filed with the town clerk of such town, show a majority of the votes cast at such meeting to be in favor of such proposition, the town board of such town shall thereupon be authorized to acquire, in the name and behalf of such town, by purchase or condemnation, such lands as, in the judgment of such board, may be necessary and proper therefor.

Town board
may borrow
money and
issue bonds.

§ 3. The town board of such town is hereby authorized to borrow upon the faith and credit of such town the sum of thirty thousand dollars or such portion thereof as the taxpayers of such town may determine to raise as provided in the last two sections, for the purposes therein expressed. For the moneys so borrowed the said town board is hereby authorized to issue the bonds of said town, signed by the supervisor and the town clerk of said town, which bonds shall be of such denomination, and be payable at such times (not exceeding twenty years from the date thereof) as said board shall think proper, and the said bonds shall be disposed of at not less than par, and at the lowest obtainable interest, not exceeding five per centum per annum.

Payment
of bonds.

§ 4. The bonds so issued and negotiated shall be a valid indebtedness of such town and shall be a town charge, and the amount payable by such town on account thereof each year shall be levied by the board of supervisors of Westchester county, at its annual meeting next preceding the date when such payments shall be due, upon such town, in the same manner as other town charges.

Plans and
specifica-
tions, adop-
tion of, by
town board.

§ 5. The town board of such town is hereby authorized and directed to adopt plans and specifications for and to erect or cause to be erected upon the site acquired as provided under the

second section of this act, or in case the taxpayers of such town are not in favor of acquiring a site as therein mentioned, upon the site now owned by said town, such town hall, and complete and furnish the same for the purpose provided in the first section of this act; which authority may be exercised by a committee appointed by said board. The said town board is authorized and directed to receive and expend for such purposes the money so borrowed as provided in sections one and two of this act.

§ 6. In case the taxpayers shall vote to acquire a new site for such town hall, then the town board is authorized to sell the present town hall and the land upon which the same is situated at such price and in such manner and at such time as they may deem best and the proceeds of such sale shall be applied to the payment of the bonds herein provided for when same or any part thereof shall become due. The said town board is further authorized to rent or lease said town hall when completed, or any part thereof, to any person or corporation and all rent received therefrom shall be applied to maintaining said town hall and to paying off the indebtedness of the town herein provided for.

Sale of present town hall authorized upon acquisition of new site.

§ 7. This act shall take effect immediately.

Chap. 255.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two entitled "An act to incorporate the city of Mount Vernon," relative to the compensation of the commissioner of public works of such city.

Accepted by the city.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-three of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," is hereby amended to read as follows:

§ 123. The salary of the commissioner of public works, shall be three thousand five hundred dollars per annum payable monthly.

§ 2. This act shall take effect immediately.

Chap. 256.

AN ACT to amend the general corporation law, in relation to the consent of stockholders requisite to an extension of corporate existence.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two of chapter five hundred and sixty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to corporations, constituting chapter thirty-five of the general laws," as amended by chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, chapter one hundred and seventy-seven of the laws of nineteen hundred, and chapter three hundred and fifty-five of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 32. **Extension of corporate existence.**—Any domestic corporation at any time before the expiration thereof, may extend the term of its existence beyond the time specified in its original certificate of incorporation, or by law, or in any certificate of extension of corporate existence, by the consent of the stockholders owning two-thirds in amount of its capital stock, or if not a stock corporation, by the consent of two-thirds of its members, which consent shall be given either in writing or by vote at a special meeting of the stockholders called for that purpose, upon the same notice as that required for the annual meetings of the corporation; and a certificate under the seal of the corporation that such consent was given by the stockholders in writing, or that it was given by vote at a meeting as aforesaid, shall be subscribed and acknowledged by the president or a vice-president, and by the secretary or an assistant secretary of the corporation, and shall be filed in the office of the secretary of state, and shall by him be duly recorded and indexed in a book specially provided therefor, and a certified copy of such certificate, with a certificate of the secretary of state of such filing and record, or a duplicate original of such certificate, shall be filed and similarly recorded and indexed in the office of the clerk of the county wherein the corporation has its principal place of business, and shall be noted in the margin of the record of

the original certificates of such corporation, if any, in such offices, and thereafter the term of the existence of such corporation shall be extended as designated in such certificate. If the term of existence of any domestic corporation shall have expired and it shall be made satisfactorily to appear to the supreme court that such corporation was legally organized, pursuant to any law of this state, and that it shall have issued its bonds payable at a date beyond the date fixed in its charter or certificate of incorporation for the expiration of its corporate existence, and such bonds shall be unmatured and unpaid, the supreme court may, upon the application of any person interested and upon such notice to such other parties as the court may require, by order, authorize the filing and recording of a certificate reviving the existence of such corporation, upon such conditions and with such limitations as such order shall specify, and extending such corporate existence for a term not exceeding the term for which it was originally incorporated. Upon filing and recording such certificate in the same manner as certificates of extension of corporate existence duly issued before the expiration of the existence of a domestic corporation is authorized by law to be filed and recorded, such corporate existence shall be revived and extended in pursuance of the terms of such order, but such revival and extension shall not affect any litigation commenced after such expiration and pending at the time of such revival. If a corporation formed under or subject to the banking law, such certificate shall not be filed or recorded unless it shall have indorsed thereon the written approval of the superintendent of banks; or, if an insurance corporation, unless it shall have indorsed thereon the written approval of the superintendent of insurance; and, if a turnpike or bridge corporation, it shall not be filed unless it shall have indorsed thereon or annexed thereto a certified copy of a resolution of the board of supervisors of each county in which such turnpike or bridge is located, approving of and authorizing such extension. If all the stock of a corporation other than a corporation formed under or subject to the banking law, or an insurance corporation, or a turnpike, plank-road or bridge corporation shall be lawfully owned by another stock corporation entitled by law to take a surrender and merger thereof, the corporate existence of such corporation whose stock is so owned may be extended at any time for the

term of the corporate existence of the possessor corporation, by filing in the office or offices in which the original certificate or certificates of incorporation of the first-mentioned corporation were filed a certificate of such extension executed by its president and secretary and by such corporation owning all the shares of its capital stock. Every corporation extending its corporate existence under this chapter or under any general law of the state shall thereafter be subject to the provisions of this chapter and of such general law, notwithstanding any special provisions in its charter, and shall thereafter be deemed to be incorporated under the general laws of the state relating to the incorporation of a corporation, for the purpose of carrying on the business in which it is engaged, and shall be subject to the provisions of such law. The certificate of incorporation of any corporation whose duration is limited by such certificate or by law, may require that the consent of stockholders owning a greater percentage than two-thirds of the stock, if a stock corporation, or of more than two-thirds of the members, if a non-stock corporation, shall be requisite to effect an extension of corporate existence as authorized by this section.

§ 2. This act shall take effect immediately.

Chap. 257.

AN ACT to amend chapter two hundred and thirty-six of the laws of eighteen hundred and sixty, entitled "An act to legalize the state and county taxes in the county of Rensselaer for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid state and county taxes," and the several acts amendatory thereof and supplemental thereto in relation to the assessment, taxation and collection of taxes and the sale and conveyance of land for nonpayment thereof in the county of Rensselaer.

Accepted by the city.

Became a law, April 21, 1905, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of chapter two hundred and thirty-six of the laws of eighteen hundred and sixty, entitled "An act to

legalize the state and county taxes in the county of Rensselaer for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid state and county taxes," as amended by chapter three hundred and twenty-one of the laws of eighteen hundred and sixty-six, is hereby amended to read as follows:

§ 13. Every sale of lands for unpaid taxes and assessments heretofore conducted by the county of Rensselaer or by any of its officers acting under any statute now or heretofore in force shall be held and are hereby declared to be valid and effectual after the expiration of the period of two years, and the period of six months after the filing of the proof of the service of notice to redeem as now provided by law; and all purchasers* at all such sales made by said county are hereby declared to have been made in default of other bidders, and to have been within the scope and authority of said county, and to have been lawfully made, and the books of record of such sales now in the office of the treasurer of said county are hereby declared competent evidence thereof, and where such sales are as yet unredeemed and not transferred to other parties; such sales, the certificates thereon given, or to be given as herein provided, and the rights hereby acquired in and to the lands in such certificate described are hereby declared to be now the property of said county of Rensselaer, and the county treasurer of said county is hereby required to execute and deliver to said county, in due form as now provided by statute for ensuing sales, appropriate certificates as to each parcel heretofore sold, in every case where such certificate has not been already executed and delivered, and is not now in the possession of said county. All such certificates of sale that have been heretofore executed by the county treasurer of said county, or that shall hereafter be executed by said county treasurer pursuant to this act, and all deeds to be given thereon to said county or to its assigns, or to the holders of any such certificate, or to any purchaser at such sale, shall after the expiration of two years from the passage of this act, and after the expiration of two years from the date of issue of such certificate, and after the expiration of six months from the time of the filing of the proof of the notice of such sale on all persons entitled to notice, as now provided by law, in case the six

Sale of
lands for
unpaid
taxes
declared
valid.

County
treasurer
shall deliver
certificates
of sale to
county.

* So in original.

months shall fall after the expiration of the said term of two years, be conclusive evidence that the sale and all prior proceedings from and including the assessment as against the land, and all notices and proceedings required by any statute were regular and were regularly given; that all requirements of law were complied with, and after the expiration of the said periods herein, and hereby limited, any alleged irregularity, error or failure to comply with the statute, want of jurisdiction or defect of any kind in any such sale, certificate or deed other than the actual and seasonable payment of the tax or assessment for which such sale was held, shall not be heard, pleaded or considered as against any such sale, or any certificate or deed given thereon, or as against the purchaser named in such certificate or deed, or his assigns. But nothing herein contained shall affect any action, proceeding or application pending at the time of the passage of this act, nor any action begun, proceeding taken or application duly made within two years after the passage of this act, or within six months after the filing of the proof of the service of such notice as hereinbefore provided, in case such period of six months shall fall after the expiration of said period of two years, for the purpose of vacating any such tax sale or setting aside or cancelling any certificate or deed given or to be given pursuant thereto.

Proceedings
not affected
by this act.

§ 2. Section fourteen of said act is hereby amended to read as follows:

§ 14. At any time before the expiration of the limitation specified in section thirteen as amended by this act, the board of supervisors of the county of Rensselaer, for any cause seeming to it good and sufficient, may compromise, settle, adjust or assign and transfer any apparent claim held by said county upon any parcel of land within its boundaries by reason of any unpaid tax or assessment or any sale therefor, upon such terms and for such sum as to it shall seem just and proper, such determination shall be evidenced by an appropriate resolution to be entered upon the record of its proceedings and shall be executed by a suitable instrument of conveyance under the seal of said county and under the hands of the chairman of said board of supervisors and the treasurer of said county, and by them duly acknowledged.

Board of
supervisors
may com-
promise
payment of
unpaid
taxes.

§ 3. Said act is hereby further amended by adding thereto the following new sections:

§ 15. Any property acquired by said county under any tax sale, as to which the time to redeem shall have expired may at any time be sold and conveyed by said county upon such terms as to its board of supervisors shall seem proper, and its action in the premises shall be evidenced by an appropriate resolution to be adopted by said board of supervisors and entered in its minutes. Such conveyance shall be executed under the seal of said county and under the hands of the chairman of the board of supervisors and the treasurer of said county and by them duly acknowledged and delivered upon the compliance with the terms of such sale.

Sale of property by county after time for redemption expires.

§ 16. The county treasurer of said county, is hereby authorized to advertise and sell at public auction according to law, the real estate situate within said county upon which the state and county tax appears unpaid for the year nineteen hundred and three; and such taxes spread upon the assessment rolls of the city of Troy, and the several towns in said county on real estate therein described, and the assessment for the same, are hereby validated and rendered legal and binding upon such real estate and the owners thereof, notwithstanding any irregularity, omission or error relating to the making of such assessment and the levying of such taxes or in any of the proceedings relating thereto, and upon the expiration of three months from the date of such sale, such tax and all proceedings relating thereto and the sale thereunder shall have the same force and effect as if such tax was legally and regularly levied and assessed according to law. Nothing herein contained shall affect any action, proceeding or application pending at the time of the passage of this act nor any action begun, proceeding taken or application duly made within three months from the date of such sale for the purpose of vacating any such tax, or the sale thereunder, or setting aside or cancelling any certificate or deed given or to be given pursuant to such sale.

County treasurer may sell lands upon which taxes for 1896 remain unpaid.

§ 17. All other acts inconsistent with the provisions of this act are hereby repealed, so far as they affect the city of Troy or towns in the county of Rensselaer.

Laws repealed.

§ 18. This act shall not affect any land owned by the state or upon which the people of this state may have a lien.

§ 19. This act shall take effect immediately.

Chap. 258.

AN ACT to amend the consolidated school law, relative to changing school districts.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty of article five title eight of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four entitled "An act to revise, amend and consolidate the general acts relating to public instruction," as amended by chapter two hundred and ten of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

Common school districts adjoining certain union free school districts, dissolution of.

§ 30. Whenever one or more common school districts shall adjoin any union free school district whose limits do not correspond with those of an incorporated village or city, upon the written consent of the trustees of all the districts to be affected, the school commissioner having jurisdiction may dissolve such common school district or districts and annex the territory of such district or districts so dissolved to such union free school district, and the school commissioner having jurisdiction may alter any union free school district whose limits do not correspond with those of any incorporated village or city, in the manner provided by title six of this act, but no such district shall be divided, upon which there is an outstanding bonded indebtedness. Such school commissioner on the written consent of the boards of education of the districts affected may also dissolve a union free school district when it adjoins another union free school district and both of such union free school districts are wholly located within the limits of a city or an incorporated village and annex the territory of such dissolved district to the remaining union free school district. The bonded indebtedness of each of such districts shall, upon such dissolution and annexation, become a charge upon the enlarged district thus formed. Such district shall succeed to all the rights of property possessed by the annulled district. The board of education of such district shall raise by tax an amount sufficient to pay any of the bonds and interest thereon of such district as the same shall become due.

Consolidation of union free school districts in cities and incorporated villages.

§ 2. This act shall take effect immediately.

Chap. 259.

AN ACT to validate and confirm the reincorporation of certain villages under the village law.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All villages in the state incorporated by special laws and subject to their provisions which have attempted to reincorporate under the provisions of the village law between July one, eighteen hundred and ninety-seven, and January one, nineteen hundred and four, and which have held their elections, elected their officers and conducted their municipal affairs under or agreeably or substantially under or substantially agreeably to the provisions of the village law for the period of one year, or longer, are hereby declared to be regularly and duly incorporated villages under the village law, and, so far as any defects, omissions, or irregularities in the proceedings for such reincorporation affect their annual and special elections and meetings and their acts and proceedings at such elections and meetings and the election of their presidents and their other village officers and all the acts and proceedings of their boards of trustees and all the acts and proceedings of their officers, their said annual and special elections and meetings and their acts and proceedings at said elections and meetings and the election of their presidents and trustees and their other village officers and all the acts and proceedings of their boards of trustees and all the acts and proceedings of their officers, are hereby declared to be legal and valid; and so far as any defects, omissions, or irregularities in their proceedings for such reincorporation affect the title to the offices held by their presidents, trustees and other officers, their said presidents, trustees and other officers are hereby declared to be legally holding and entitled to their offices de jure until the expiration thereof as provided by the village law.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act is hereby declared to be a public act and shall take effect immediately.

Reincorporation of certain villages incorporated by special acts declared valid.

Chap. 260.

AN ACT to amend chapter two hundred and sixty-six of the laws of nineteen hundred and three, entitled "An act to provide for the holding of town meetings and elections in counties of the state having a certain population," relative to the conduct of such town meetings and elections, the terms of town officers and the compensation of the clerk of the boards of supervisors in such counties.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one, three and four of chapter two hundred and sixty-six of the laws of nineteen hundred and three, entitled "An act to provide for the holding of town meetings and elections in counties of the state having a certain population," are hereby amended to read as follows:

§ 1. The next town meeting at which town officers shall be elected in any county of the state having a population of over fifty thousand inhabitants and less than fifty-four thousand inhabitants, according to the last federal enumeration shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred and six and biennially thereafter, at the same places as general elections in such towns are held. No person shall be entitled to vote at any such town meetings or election unless he is registered and entitled to vote at the general election held at the same time that such town meeting is held. All elective town officers shall be elected at such general election in the same manner as other officers who may be elected thereat. Certificates of nomination of candidates for a town office in any such towns shall be filed with the town clerk of the town, and if nominated by a political party, at least twenty days and not more than thirty days before such town meeting and election is held, or, if independent nominations, at least fifteen days and not more than thirty days prior thereto. The provisions of the election law relating to ballot boxes and separate ballots to be used at town meetings held on general election day in even-numbered years shall be applicable to town meetings held in such towns.

Date of holding town meetings.

Certificates of nomination of town officers, filing of.

Provisions of election law to apply.

§ 3. At the close of the polls at any such biennial town meeting and election in any such town the inspectors of election shall proceed to canvass the votes for the candidates for the several town offices, and for and against all town propositions duly submitted to the voters of such town in the election districts where such meeting and election was held, in the same manner as the votes for other candidates and propositions cast at the general election are canvassed. The inspectors of elections in each election* district shall make a full and true statement of the whole number of votes cast for and against each candidate for a town office and for and against each town proposition voted upon at such town meeting. Such statement shall be in the same form as statements by such inspectors of other votes cast at general elections, and shall be signed by the inspectors and delivered by one of their number, selected by them for that purpose, to the town clerk and justices of the peace of the town, who shall convene and receive the same on Thursday next following such town meeting at ten o'clock in the forenoon. Such justices and town clerk shall at such time recanvass such votes from the statements of the inspectors of the several election districts so delivered to them, and read and enter the results in the same manner as required of them by section thirty-seven of the town law. No list of nominations of candidates for town offices to be filled at any such biennial town meeting and election, or the result of the official canvass of the vote cast thereat, shall be required to be published. All the provisions of the election law not inconsistent with the provisions of this act shall apply to and govern town meetings and elections held as provided herein.

Canvass of
votes for
town
officers.

Statements
of canvass
relating
to town
officers.

Statements
to be de-
livered to
town board.

Recanvass
by town
board and
record of
result.

Nomina-
tions and
official canvass not to
be pub-
lished.

§ 4. There shall be elected at the town meeting and election to be held in each town in any such county on the first Tuesday after the first Monday of November, in the year nineteen hundred and six, and biennially thereafter, one supervisor, one town clerk, three assessors, one or three commissioners of highways, one collector, one or two overseers of the poor and not more than five constables. The persons first elected to the various offices above mentioned shall enter upon the discharge of their duties on the fourth day of March, nineteen hundred and seven, and serve until and including March third, nineteen hundred and

Officers to
be elected
at first
town meet-
ing.

* So in original.

nine. Their successors shall be elected at the biennial election and town meeting held in nineteen hundred and eight and biennially thereafter, for the term of two years commencing on the fourth day of March succeeding their election. There shall also be elected at such town meeting and election and biennially thereafter, two justices of the peace for terms of four years, beginning on the succeeding first day of January.

§ 2. Section six of such act, as amended by chapter five hundred and seventy-four of the laws of nineteen hundred and four, is hereby amended to read as follows:

Compensation of clerk of board of supervisors. § 6. The said board of supervisors of any such county shall, during the first fifteen days of the annual session, fix the annual salary of the clerk of said board, which said salary shall not be increased or diminished for the term, and which salary shall be in full for all services of every name and nature which said clerk shall perform for said board of supervisors or for any such county. Any clerk of said supervisors of any such county who shall charge or receive any allowance in violation of the provisions of this section shall forfeit his office and shall in addition to the punishment prescribed by law for misdemeanor, be held liable to a penalty of two hundred and fifty dollars. Special or assistant clerks may be employed by such board and paid a reasonable compensation for all services rendered.

§ 3. This act shall take effect immediately.

Chap. 261.

AN ACT to amend the county law, relative to the power of boards of supervisors to tax dogs.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ten of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter three hundred and thirty-two of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 110. **Tax on dogs.**—Each board of supervisors, except in counties having a population of eight hundred thousand or over, may fix and impose a tax on dogs within the several cities and towns in its county. The board of supervisors of any such county may fix or impose a tax upon dogs in any town therein at a different rate than that imposed upon dogs in other towns in such county, upon the written application of the town board of such town. Such application shall specify the rate of tax to be imposed in such town. Such taxes shall be assessed, collected and applied in the manner provided by sections one hundred and thirteen and one hundred and fourteen of this chapter. If they do not exercise the powers herein conferred, the following provisions, so far as they relate to the taxation of dogs and the manner of collecting the same, shall apply to such county and the towns therein.

§ 2. This act shall take effect immediately.

Chap. 262.

AN ACT to amend chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland," relative to revising certain sections of the charter.

Accepted by the city.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-six of chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland," is hereby amended to read as follows:

§ 36. **General powers and duties of city chamberlain.**—The city chamberlain shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall provide and designate, which shall be kept open each day in the year, except Sundays and legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon, except between the hours of twelve and one, and at such

other hours as the common council may, from time to time, direct. He shall keep separate accounts of the different funds of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not knowingly pay money from any fund which is not properly chargeable thereto. The city chamberlain shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and receipts of city moneys during the next preceding calendar month, a summary statement of the receipts and expenditures of city moneys during that portion of the current fiscal year expiring with the last day of such preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time, by the common council. Before entering upon the duties of his office, and within fifteen days after he shall have received official notice of his election, the city chamberlain shall execute and file an official bond with two or more sureties or some solvent surety company, in such penal sum as may be fixed by the common council, not less, however, than the amount of money estimated as likely to be received by him for all purposes during the fiscal year, in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law; and for omission so to do, he shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law. Such bond shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon, and the bond so endorsed shall be filed and recorded in the clerk's office of the county of Cortland, in the same manner as the official bond of town collectors, and such bond shall be a lien on all property of such chamberlain until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon, the common council shall, by resolution, declare that such bond is satisfied and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk and shall operate to discharge the same and the lien thereof from record. A true copy of such bond and certifi-

cate shall be filed in the city clerk's office. It shall be the duty of the chamberlain, personally to receive all state, county, city and local taxes and assessments which may be paid at such office, and to retain there, and not elsewhere, the possession of the warrants and assessment rolls which may, from time to time, be delivered to him by the clerk of the city. He shall enter, daily, in suitable books all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid, and shall at the expiration of each month exhibit the same in his office to the mayor and finance committee of the common council for inspection. He shall also enter in a column in the assessment-rolls in his possession, opposite the names of the persons or corporations who shall pay their taxes or assessments, the fact of payment, the amount thereof and the date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for nonresidents of said city, and the residence of such nonresidents, so far as he can ascertain the same. The chamberlain shall be the custodian of all securities, obligations and other evidence of debt belonging to said city. He shall annually settle with the common council, and as much oftener as it may require, for all tax rolls and warrants issued to him, and for all moneys received or collected by him for school or other purposes and produce the proper vouchers of the board of education and other officers for all money paid upon the warrants, drafts or orders of said officers. At the time of the annual settlement and immediately preceding the expiration of his term of office, or within such time after the annual settlement as the common council may fix, he shall pay to his successor in office all such moneys remaining in his hands and deliver to such successor in office all assessment-rolls, books, papers and property, belonging to said city or pertaining to the affairs of the city in connection with the duties of his office.

§ 2. Title four of chapter one hundred and sixty, laws of nineteen hundred, is hereby amended as follows, by adding to said title four at the end thereof and immediately following section sixty-five, a new section sixty-six, as follows:

§ 66. **Contract for street lighting.**—The city of Cortland by and through its common council may, from time to time, make a contract and contracts with any person or persons, firm or firms,

corporation or corporations for lighting the streets, public parks and places within said city for times and terms not exceeding five years each, provided, however, that the total annual expenditure thereunder shall not exceed in any one year two mills for each dollar of assessed valuation of said city, according to the then last preceding assessment-roll thereof.

§ 3. Section seventy-six of said act is hereby amended to read as follows:

§ 76. Sewer extension, and issuing bonds therefor; rights for construction and maintenance of sewers.—The board of public works of the city of Cortland, by resolution or resolutions duly adopted by that board, may at any time or times, provided the common council of said city by resolution of said common council concur therein, decide that the public sewers of said city shall be built and extended in and along any street or streets of said city to be therein specified pursuant to and in accordance with the sewer plans of said city, duly adopted, and approved by the state board of health, and on file in the city clerk's office of said city. And thereupon said board of public works may build and construct the same by contract therefor duly advertised and let to the lowest bidder in all things as provided in section thirty-three of the charter of said city. And thereupon upon the completion of such sewer, or extension thereof, it shall be the duty of the board of public works, to certify to the common council of said city, the total cost and expense thereof, including all labor and materials therefor, cost of engineering, printing and all other necessary expenses connected therewith, or incidental thereto, including all interest on such sums of money as have been borrowed for such purpose, to the common council of said city, who shall thereupon, issue bonds therefor and deliver the same to the chamberlain of said city for sale. Said bonds to bear interest at not less than four per centum per annum, interest payable semi-annually, and be and become due by their terms, not more than twenty years from their date of issue, and be sold at public or competitive sale to the person or persons offering the highest premium therefor, but at not less than par and accrued interest, and when so issued each of said bonds shall contain a recital that they are issued in accordance with this act, and such recital shall be conclusive evidence in any court of the validity thereof, and of the regularity of their issue.

The total issue of such additional bonds for the extension of the public sewers of said city, as herein in this section provided, shall not exceed the sum of twenty-five thousand dollars. Any premium received on a sale or sales thereof, and also any premium received on the refunding of any and all sewer bonds of said city, being bonds of said city issued for sewer construction, shall be placed to the credit of the board of public works of said city of Cortland, to be used by said board in building extensions to said sewer system of said city, or in paying and retiring any outstanding sewer bonds of said city. The board of public works of said city, for the purposes herein specified, may at any time after said board has determined to make such sewer extension or extensions, by resolution direct and authorize the chamberlain of said city to borrow such sums of money therefor as said board shall determine necessary, prior to the issuing of bonds therefor by the common council as above provided, and thereupon the chamberlain of said city shall borrow the same, and said city shall be obligated therefor, and shall repay the same with interest thereon, out of the avails of the sale of said bonds therefor as above provided. The board of public works shall have power to acquire for and in the name of the city, by agreement or appraisal, in such manner as heretofore provided, and also in such manner as is authorized by the condemnation law of this state, code of civil procedure, title one, chapter twenty-three, sections thirty-three hundred fifty-seven to thirty-three hundred eighty-four, any lands, easements, privileges, rights and estate necessary for the construction and maintenance of sewers, and may also enter upon any lands or waters for the purpose of making the necessary surveys, provided that, in all cases involving an expenditure of money, it shall have first submitted to the common council its estimate of the cost of such real estate and that the common council shall have approved the same and authorized the expenditures proposed, or that the same shall have been approved by the taxpayers at a special election. And on acquiring the same either by agreement or appraisal, or by condemnation proceedings, as hereinbefore provided, the said city of Cortland shall be liable to pay therefor said agreed price, or appraisal value thereof.

§ 4. This act shall take effect immediately.

Chap. 263.

AN ACT authorizing the town board of the town of Cortlandt to appropriate certain moneys to the helping hand hospital association of Peekskill, New York.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation to be made so long as hospital treats free of charge indigent residents of town of Cortlandt.

Section 1. The town board of the town of Cortlandt in the county of Westchester is hereby authorized to appropriate and pay annually from the moneys received by the said town under the provisions of the liquor tax law, to the helping hand hospital association of Peekskill, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Cortlandt, owned and conducted by said association, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such money shall be paid only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the town of Cortlandt requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town of Cortlandt shall make payment of such moneys to said hospital association when authorized and directed so to do by the said board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments or otherwise as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 264.

AN ACT to amend the charter of the city of New Rochelle in relation to compensation of the mayor and aldermen.

Accepted by the city.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventeen of article two of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, as amended by chapter two hundred and eighty-eight of the laws of nineteen hundred and two as amended by chapter ninety-five of the laws of nineteen hundred and three, is hereby amended so as to read as follows:

§ 17. **Compensation of city officers.**—The annual salary of the mayor shall be one thousand dollars. The annual salary of each of the aldermen shall be five hundred dollars. The police commissioners, fire commissioners, sewer commissioners and members of the city board of health shall receive no compensation for their services. The annual salary of the police justice shall be fifteen hundred dollars; the annual salary of the city clerk shall be fixed each year by the common council at an amount not exceeding two thousand dollars; the annual salary of the city treasurer shall be fifteen hundred dollars; the annual salary of the receiver of taxes, shall be two thousand dollars; the annual salary of the comptroller shall be fifteen hundred dollars; the annual salary of the commissioner of charities shall be seven hundred dollars; the annual salary of the corporation counsel shall be fixed each year by the common council at an amount not exceeding two thousand five hundred dollars; the annual salary of each of the assessors shall be eight hundred dollars; the annual salary of the city engineer shall be fixed each year by the common council at an amount not exceeding eighteen hundred dollars; the annual salary of the superintendent of streets shall be fixed each year by the common council at an amount not exceeding fifteen hundred dollars; the annual salary of the health officer shall be fixed each year by the commissioners of health at an amount not exceeding one thousand dollars; the

chief or captain of police shall receive a monthly salary of one hundred and ten dollars; the sergeant of police a monthly salary of one hundred dollars; the patrolmen other than special policemen, who have served for a period exceeding five years, a monthly salary of ninety dollars; and all other patrolmen a monthly salary not exceeding eighty dollars, to be fixed by the police commissioners; the commissioners of deeds shall receive the compensation now provided by law to be received by them. The supervisors, justices of the peace, city sealer of weights and measures and keeper of the public pound respectively, shall be entitled to the same compensation for their services as the corresponding officers in towns are entitled to receive for like services; the inspectors of election and such other officers as are authorized to be appointed by general law shall receive such compensation as is provided by general law, unless otherwise herein provided. No other appointive officer of the city shall be entitled to receive from the city any compensation for his services unless otherwise provided by this act or by general law.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect on the first day of January, nineteen hundred and six.

Chap. 265.

AN ACT to make the office of sheriff of Rockland county a salaried* office, and to regulate the management of said office.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensation of sheriff.

Section 1. The sheriff of the county of Rockland next elected or appointed, and thereafter to be elected or appointed shall receive as compensation for all services hereinafter enumerated the annual salary of two thousand dollars, payable quarterly by the treasurer of said county. Such salary shall not be increased or

* So in original.

diminished during the term for which such sheriff shall have been elected or appointed.

§ 2. Such salary shall constitute the whole compensation of said sheriff for all the official services which may be performed by him as sheriff in his attendance upon any and all courts of record held in the county of Rockland and for all services performed by him under this act or for the state of New York of the county of Rockland or chargeable thereto, or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff, including the care and management of the jails and the persons therein confined, and no other compensation, payment or allowance shall be made to him or received by him for his own use for any such services, except the fees specified in section ten and the mileage specified in section eleven of this act.

§ 3. All fees, emoluments and perquisites which such sheriff shall charge or receive, or which he is entitled to receive, as a peace officer, or which he shall be legally authorized, required or entitled to charge or receive for conveying prisoners to state or other institutions and for all other services for the state of New York, or for the county of Rockland for which fees are paid, shall belong to the county of Rockland, and it shall be the duty of such sheriff to exact, collect and receive for said county the full amount allowed by law of all such moneys, fees, emoluments and perquisites. This section shall not apply to the mileage specified in section eleven of this act.

§ 4. The sheriff before entering upon the duties of his office shall execute to the people of this state a bond in the penal sum of ten thousand dollars with three or more sufficient sureties or a bond of a fidelity and surety company authorized by the laws of this state to transact business therein. Such bond shall be conditioned that the said sheriff shall well and faithfully discharge all the duties of his office and all trust imposed upon him by law, or by virtue of his office, and shall safely keep and pay over to the county treasurer of said county all moneys which shall come into his hands belonging to the county of Rockland. Before the said sheriff shall enter upon the discharge of his duties the said bond shall be approved as to its form and the sufficiency of said sureties by the county clerk of said county, and shall thereupon be filed in the office of the clerk of said

county, and the said county clerk shall at the time of his approval thereof examine each individual surety thereto under oath and shall not approve of such undertaking unless it shall appear on such examination that such individual sureties are jointly worth at least the penalty mentioned in said bond over and above all their debts, which examination subscribed by the sureties shall be endorsed on or attached to the said bond; and if any such sheriff shall neglect for five days after the commencement of his term of office to execute and file the bond herein required to be executed by him, his office shall thereupon become vacant. Said sheriff shall be responsible for the official acts of the under sheriff, jailors, deputies and other assistants appointed by him and may require and take a bond from each of them in a good and sufficient amount, conditioned for the faithful performance of their respective duties, which shall be approved by him as to its form and sufficiency.

Books of
account to
be kept.

§ 5. Such sheriff shall keep in his office a proper book or books to be provided by the county for that purpose, an exact and true account of all the official services performed by him as sheriff and all fees, moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law. Such book or books shall constitute a part of the records of such office and shall at all times during office hours be open to public inspection, but this section shall not apply to any services rendered in civil causes or proceedings.

Quarterly
statement
of fees
received
to be filed
with county
treasurer.

§ 6. Such sheriff shall make a full and true statement for each quarter of the year of all moneys received each day by him or his under-sheriff or deputies or other official appointees, and of the fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, which by the provisions of this act belong to said county. He shall transmit such statement to the county treasurer of said county within ten days from the expiration of said quarter. Such statement shall show the total receipts for said quarter and shall have attached thereto an affidavit of said sheriff in effect that the same is in all respects a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein provided. A summary of such quarterly reports shall also be prepared by the sheriff and presented to the board of supervisors at its annual meeting in the month

of November in each year. At the time of rendering every such quarterly statement, such sheriff shall pay over to the county treasurer of the county of Rockland for the benefit of said county the whole amount of the moneys so received by him and chargeable to said office since making the last preceding quarterly report.

§ 7. It shall be the duty of such sheriff to keep and properly care for the court houses and jails of said county preserve all property belonging thereto and situated therein and he shall be responsible for the custody, maintenance and control of all prisoners and persons detained in said jails. On the first day of January in each year, the auditing committee, hereinafter named, shall take an inventory of all property of every kind and nature belonging to the county in the possession of the sheriff or his appointees and shall file such inventory with the clerk of the board of supervisors to be kept by him as a part of the records of his office. The said sheriff shall be chargeable with the property mentioned in said inventory and at the end of each year the said sheriff shall account for the property in the last inventory contained and purchased since the last inventory was taken and he shall be liable to pay to the county of Rockland the value of any property which shall be missing, and not accounted for and at such time and in such manner as the said auditing committee shall direct.

Duties of
sheriff.

§ 8. The board of supervisors at each annual meeting shall appoint a committee of three of its members, who shall designate one of its members as chairman, which committee shall be known as the auditing committee of said county. It shall be the duty of said sheriff of said county, subject to supervision, control, approval and direction of such auditing committee to purchase and provide all furniture, implements, materials, food and supplies of whatever nature necessary for the custody, care and maintenance of the jailors and cooks and of the prisoners and persons detained within said jails and the cost of the same and any necessary and actual expense of the sheriff in providing the same shall be a county charge and be paid by the county treasurer when the same shall be certified by the said sheriff and audited by the said auditing committee and payment thereof directed. The said sheriff shall keep a correct and itemized account of such cost and expense in a book or books provided for that purpose at the expense of the county. Each item of the account shall

Auditing
committee;
purchase of
food and
material for
maintenance
of
prisoners.

specify the date at which it was incurred, to whom paid and the purpose for which it was paid. The said sheriff shall also obtain a voucher for each item or items incurred by him and if any such item or the aggregate of such items exceeds the sum of twenty-five dollars, it shall be duly verified as to its correctness by the affidavit of the person, firm or corporation furnishing the same. The said auditing committee shall meet upon the first Monday in January, April, July and October in each year and all bills contracted by said sheriff previous to each meeting shall then be submitted to said committee and if approved by it shall be audited and allowed and payment by the county treasurer of the same directed.

Under
sheriff,
salary of.

Deputy
sheriffs.

§ 9. The said sheriff shall appoint an under sheriff, whose salary shall be five hundred dollars per annum, payable quarterly, in the same manner as the sheriff's salary, and the said sheriff may appoint deputy sheriffs, not exceeding twelve, who shall hold their office during the pleasure of the sheriff but who shall receive no fees or compensation for any services rendered in any criminal action, matter or proceeding—and said sheriff shall be responsible for all the official acts of each and every of said deputy sheriffs.

Sheriff may
receive for
his own
use fees in
civil cases.

§ 10. In addition to the salary specified in section one of this act, the sheriff is authorized and entitled to charge, take and receive the fees now allowed to sheriffs by law in civil causes and proceedings and paid by litigants or individuals as and for his compensation for services and disbursements rendered therein and his liabilities thereunder and for the services of the under sheriff, deputies and other employees of his office in such causes and proceedings except the charge for calendar fees which shall be collected by the sheriff, accounted for and turned over to the county treasurer.

Disburse-
ments of
sheriff in
criminal
proceed-
ings: trans-
portation
of prisoners.

§ 11. The said sheriff shall also be allowed and entitled to receive his actual expenses and disbursements going from and returning to his office for serving warrants and subpoenas in all criminal proceedings; in serving jurors; in the transportation of prisoners and for any other service he may be required to render in the discharge of his duties other than in civil causes and proceedings. Such disbursements and expenses shall be in full for any service he may be required to render as such sheriff and the same shall be subject to audit and allowance by the said

auditing committee and when allowed shall be paid by the said county treasurer.

§ 12. Any officer referred to in this act who shall receive to his own use or for the use of another any fee, perquisite, or emolument, contrary to the provision of this act or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Rockland shall be guilty of a misdemeanor and on conviction thereof shall be punished by fine or imprisonment or both at the discretion of the court before whom such officer may be convicted, and shall also be liable to said county in a civil action for all moneys so received and not accounted for and paid to the county treasurer pursuant to the requirements of this act.

Officer receiving fees to his own use in violation of this act guilty of misdemeanor.

§ 13. The board of supervisors of the said county shall at its annual meeting raise by taxation upon the taxable property of said county all sums of money necessary to carry out the provisions of this act.

§ 14. All acts and parts of acts inconsistent with this act in so far as the same may relate to Rockland county are hereby repealed.

Laws repealed.

§ 15. This act shall take effect immediately.

Chap. 266.

AN ACT making an appropriation for the payment of the interest on the canal debt for the fiscal year beginning on the first day of October, nineteen hundred and five, and for the payment of a portion of the principal of said debt.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred and thirty-five thousand nine hundred and fifty dollars is hereby appropriated from the sinking fund under article seven, section four of the constitution, for the payment of the interest on the debt contracted under said section, and as provided by chapter seventy-nine of the laws of eighteen hundred and ninety-five, and the acts amenda-

Interest on canal debt, appropriation for.

tory thereof, as the same shall become due and payable, during the fiscal year beginning on the first day of October, nineteen hundred and five.

Canal debt,
payment of
principal,
appropriation for.

§ 2. The further sum of one million two hundred and seventy thousand dollars is hereby appropriated from the sinking fund under article seven, section four of the constitution for the payment of the principal of the debt, contracted under said section, and as provided by chapter seventy-nine of the laws of eighteen hundred and ninety-five, and the acts amendatory thereof, and which falls due on the first day of January, nineteen hundred and six.

§ 3. This act shall take effect immediately.

Chap. 267.

AN ACT to amend the code of criminal procedure, in relation to return by magistrate of statement to district attorney in certain counties.

Became a law, April 21, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and twenty-one of the code of criminal procedure is hereby amended to read as follows:

§ 221. Magistrate to return depositions, statement and undertaking of witnesses to court and district attorney: Whenever a magistrate has discharged a defendant, or has held him to answer, as provided in sections two hundred and seven and two hundred and eight, he must, within five days thereafter, return to the clerk of the supreme court or county court or other court having power to inquire into the offenses by the intervention of a grand jury, the warrant, if any, the depositions, the statement of the defendant, if he have* made one, and all undertakings of bail, or for the appearance of witnesses, taken by him. In the city of New York such returns shall be made, in the case of all misdemeanors, except charges of libel to the district attorney of the county wherein the offence charged was committed. Except in a county containing or wholly contained in a city of the first

* So in original.

class, any such magistrate, within five days after so discharging or holding a defendant, must also return to the district attorney of the county a statement of the name and address of the defendant, the crime charged, the name and address of the informant, and the names and addresses of all of the witnesses subpoenaed or sworn upon the examination, or who have made depositions in support of the information.

§ 2. This act shall take effect September first nineteen hundred and five.

Chap. 268.

AN ACT to amend chapter two hundred and eight of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the fire department of the town of Newtown, Queens county, New York," in relation to chiefs of such department.

Became a law, April 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections seven and ten of chapter two hundred and eight of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the fire department of the town of Newtown, Queens county, New York," as amended by chapter two hundred and eighty-three of the laws of eighteen hundred and ninety-one, are hereby amended to read respectively as follows:

§ 7. The said board of trustees shall fill from its members all vacancies which may occur, by resignation or otherwise, in the offices of said board, (except chief of the department and chiefs of battalion,) and in case of any vacancy in said board, the same shall be filled by the company in which such vacancy occurs, in the manner now provided by law. In case of any vacancy in the office of chief of the department, such vacancy shall be filled at a special election of the firemen in the department to be called and held pursuant to the by-laws of the board of trustees thereof. In case of vacancy in the office of any of the chiefs of battalion such vacancy shall be filled at a special election of the firemen of the companies constituting such battalion, to be called and held pursuant to the by-laws of the board of trustees.

Annual
meeting;
officers of
department.

§ 10. The firemen of the several fire companies constituting this corporation shall hold an annual meeting at such time and place, and in the manner provided for by the by-laws of the board of trustees hereof, and elect from among their number by written or printed ballot, the following officers, namely: A chief of the department; and six chiefs of battalion, one of said chiefs of battalion to be elected for each battalion now created or hereafter to be created by the board of trustees of the department, by the members of the companies forming such battalion; each of which chiefs of battalion shall be an active member of one of the fire companies constituting the battalion for which he is elected. The officers acting as chief engineer and district engineers at the time of the passage of this amendment, shall continue as chief of the department and chiefs of battalion until the close of the terms for which they have been elected.

§ 2. This act shall take effect immediately.

Chap. 269.

AN ACT to incorporate Phipps houses.

Became a law, April 22, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Incor-
porators.

Section 1. Henry Phipps, John W. Arbuckle, Charles S. Brown, Robert W. de Forest, George E. Gordon, Elgin R. L. Gould, William S. Hawk, George B. McClellan, Charles A. Moore, John S. Phipps, Charles S. Smith, Isidor Strauss, Alfred T. White, Myles Tierney, together with such persons as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name of "Phipps houses" for the purpose of providing tenement or other housing accommodations for the working classes in the city of New York or in other cities of the state of New York or elsewhere.

Powers of
society.

§ 2. The society hereby formed shall have power to take and hold, by gift, bequest, devise, purchase or lease, either absolutely or in trust, any property real or personal without limitation as to amount or value, except such limitation, if any, as the legis-

lature shall hereafter impose, to mortgage and convey such property and to apply the net income thereof, if any, to its corporate purposes and to distribute any part of such income to and among benevolent and charitable corporations of the state of New York. It shall have all the powers and be subject to all the restrictions of a membership corporation, so far as the same are applicable thereto, and not inconsistent with the provisions of this act. The persons named in the first section of this act, or a majority of them, shall hold a meeting and organize the society, and adopt a constitution and by-laws not inconsistent with the constitution and laws of this state. The constitution shall prescribe the qualifications of members of the society; the manner of electing members; the number of members who shall constitute a quorum for the transaction of business at meetings of the society; the number of trustees by whom the business and affairs of the society shall be managed; the qualifications, powers, and the manner of selection of the trustees and officers of the society, and it may contain any other provisions for the management and disposition of the property and the regulation of the affairs of the society. No member or trustee of the society shall receive any compensation for his services.

Organiza-
tion; con-
stitution
and by-
laws.

§ 3. This act shall take effect immediately.

Chap. 270.

AN ACT to amend the penal code, relative to disorderly houses.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and twenty-two of the penal code, is hereby amended to read as follows:

§ 322. Keeping disorderly houses, et cetera.—A person who keeps a house of ill-fame or assignation of any description, or a house or place for persons to visit for unlawful sexual intercourse, or for any lewd, obscene or indecent purpose, or disorderly house, or a house commonly known as a stale beer dive, or any place of public resort by which the peace, comfort, or decency of a neighborhood

is habitually disturbed, or who requests, advises or procures any female to become an inmate of any such house or place, or who as agent or owner, lets a building or any portion of a building, knowing that it is intended to be used for any purpose specified in this section, or who permits a building or a portion of a building to be so used, is guilty of a misdemeanor. This section shall be construed to apply to any part or parts of a house used for any of the purpose herein specified.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 271.

AN ACT to amend the membership corporations law relating to corporations for the prevention of cruelty.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article five of the membership corporations law is hereby amended by adding thereto a new section to be numbered seventy-three.

§ 73. **Change of location of office.**—Any membership corporation for the prevention of cruelty to animals now existing or hereafter organized under the laws of this state, may at any time change the location of its principal office from the town, village, or city named in its certificate of incorporation to any other town, village, or city in the same county, provided such change has been authorized by a vote of the members of said corporation at a special meeting of the members thereof, called for that purpose. When such change shall be authorized by the members, as herein provided, the president and secretary and a majority of the directors of such corporation shall sign a certificate stating the name of such corporation, the town, village, city and county where its principal office was originally located and the town, village or city in said county to which it is desired to change the location of its principal office, and that such change has been authorized, as herein provided, and the name of the

directors of said corporation and their respective places of residence, which certificate shall be verified by the oaths of all persons signing the same, and when so signed and verified, it shall be filed in the office of the secretary of state and a duplicate thereof* filed in the office of the clerk of the county in which said principal office is located, and thereupon, the location of the principal office of such corporation shall be changed as stated in said certificate.

§ 2. This act shall take effect immediately.

Chap. 272.

AN ACT to authorize the board of trustees of the village of Salamanca, Cattaraugus county, to appoint a board of water commissioners.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Salamanca shall appoint for such village a board of three water commissioners, in the same manner as if such board had been established within the village by the adoption of a proposition therefor at an annual election, in pursuance of section sixty of the village law. Such board of water commissioners shall have all the powers and be subject to the duties prescribed or imposed by the village law.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 273.

AN ACT to amend the poor law by requiring monthly reports from county superintendents of the poor, overseers of the poor and other officials, to the state board of charities with relation to children placed in family homes.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article eight of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," as amended by chapter one hundred and seventeen of the laws of nineteen hundred and two, is hereby amended by adding to such chapter a new section to be known as section one hundred and forty-one-a, which shall read as follows:

§ 141-a. **Reports with relation to children placed in family homes.**—The superintendents of the poor of counties, the overseers of the poor of cities and towns and all other public officers by whatsoever name or title known who are authorized by law to place out dependent children in family homes by adoption, indenture or otherwise, are hereby required to report to the state board of charities on blanks provided by such board, the particulars with relation to each child so placed out. Such report shall state the name, age and sex of the child so placed out, together with the father's full name and residence, the mother's full name and residence, and the religious faith of the parents. The report shall also state the full names and residence of the heads of the family with whom such child is placed, their relationship to the child, if any, the religious faith of the heads of such family, and their occupation or occupations, together with such further information as the state board of charities may require on the blanks provided. Such reports for the preceding month shall be filed with the state board of charities on or before the tenth day of each month.

§ 2. This act shall take effect July first nineteen hundred and five.

Chap. 274.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville and to repeal certain acts," relating to the appointment of inspectors of election.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of title two of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," as amended by chapter one hundred and forty of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 6. The board of trustees shall before each annual election, appoint from the qualified electors of said village two inspectors of election for each district, but such inspectors shall not both be chosen from the same political party, nor shall a person be appointed inspector for a district in which he is not entitled to vote. Such inspectors shall be appointed from lists submitted by the caucus or primary at which nominations of candidates to be voted for at such annual election are made. Each of such lists shall contain the names of one or more persons qualified under the election law to serve as inspectors of election, and shall be certified by the presiding officer and secretary of said caucus or primary and filed in the office of the village clerk in the same manner and at the same time as the party certificate of nominations made by such caucus or primary. A vacancy in the office of inspector of election in any district shall be filled in like manner from the additional names contained in such lists. If such lists contain no additional names a vacancy may be filled by the board of trustees by the appointment of a person qualified to act as inspector, who is known, or is proved to the satisfaction of the board, to be a member of the same political party as that

Charter amended.

Inspectors of election, appointment of, manner of.

in which such vacancy occurred. Each board of inspectors may appoint a resident elector of the district clerk of the poll.

§ 2. This act shall take effect immediately.

Chap. 275.

AN ACT authorizing the superintendent of public works to investigate and report as to the acquisition of toll bridges across the Delaware river between this state and the state of Pennsylvania.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized and directed to take such action in conjunction with the board of public buildings and grounds of the commonwealth of Pennsylvania, or such other board or officer as may be designated by the laws of that commonwealth, as may be required under this act and the laws of Pennsylvania, for the purpose of determining as to the advisability of acquiring the rights, franchises and property of the persons, firms and corporations owning and maintaining toll bridges across the Delaware river between this state and Pennsylvania. Such superintendent shall consult with such board of public buildings and grounds, or other board or officer, of the commonwealth of Pennsylvania for the purpose of determining the amount required to purchase or otherwise acquire such toll bridges, and the rights, franchises and property connected therewith, and the necessary procedure to be followed in acquiring such toll bridges, and the rights, franchises and property connected therewith and in distributing the proceeds of the sale thereof among the persons or corporations entitled thereto.

§ 2. The superintendent of public works, in conjunction with such board of public buildings and grounds, or other board or officer, of the commonwealth of Pennsylvania, may acquire options and make contracts for the purchase of such toll bridges, and the rights, franchises and property connected therewith.

Superintendent of public works to act with board of public buildings and grounds of state of Pennsylvania.

Contracts for purchase of property and franchises.

§ 3. The superintendent of public works shall make a report of his actions and proceedings under this act to the legislature on or before February first, nineteen hundred and six. Such report shall contain an estimate of the probable cost to the state of New York of acquiring such bridges, based upon one-half the agreed purchase price thereof, or one-half of the estimated value thereof to be determined in proceedings duly instituted for such purpose, including one-half of the cost of such proceedings, and shall suggest the proper proceedings to be taken by this state in conjunction with the commonwealth of Pennsylvania for the acquisition of such bridges, and shall recommend such action by the legislature as to him may seem proper for the acquisition of such toll bridges, and the subsequent maintenance thereof as free bridges at the joint expense of this state and Pennsylvania.

Estimate
of cost.
report of.

§ 4. The sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the expenses incurred by the superintendent of public works in carrying out the provisions of this act, to be paid by the treasurer, on the warrant of the comptroller, drawn upon the requisition of such superintendent.

Appropriation to comply with provisions of this act.

§ 5. This act shall take effect immediately.

Chap. 276.

AN ACT to amend the county law, relative to deputy county treasurers in certain counties.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article seven of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended by inserting therein a new section to be known as section one hundred and forty-a, and to read as follows:

§ 140-a. Deputy county treasurers in certain counties.—The county treasurer of any county, having a population of less than fifty

thousand according to the last preceding state or federal census, may, when authorized by a resolution of the board of supervisors, appoint and at pleasure remove a deputy county treasurer, who shall perform all the duties and possess all the powers of a county treasurer, during his absence, or inability to act. The compensation of such deputy shall be paid by the treasurer out of the fees or salary allowed to him by law and shall not be a county charge. The appointment of such deputy shall not release the treasurer, from any liability in relation to the moneys in his hands or under his control, or in any manner affect such liability, but any default by such deputy shall be deemed a default of such treasurer, and he shall be liable therefor. The undertaking of the county treasurer required by section one hundred and forty of the county law given after this act takes effect shall cover the acts and default of such deputy. In all other cases the county treasurer shall, before said deputy enters upon the discharge of his duties give an undertaking with three or more sufficient sureties to the effect that such deputy shall faithfully execute the duties of his office and shall not make default therein the amount thereof to be fixed and the same to be approved as provided in section one hundred and forty of the county law for the fixing of the amount and the approval of the undertaking of the county treasurer.

§ 2. This act shall take effect immediately.

Chap. 277.

AN ACT to amend chapter eight hundred and fifty-five of the laws of eighteen hundred and sixty-nine, entitled "An act to extend the powers of boards of supervisors except, in the counties of New York and Kings," relative to the erection of public monuments.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter eight hundred and fifty-five of the laws of eighteen hundred and sixty-nine entitled "An act to extend the powers of boards of supervisors except in the coun-

ties of New York and Kings," as amended by chapter twenty-three of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 4. It shall be competent for electors of any town, at any regular town meeting at any regular election to vote any sum of money, to be designated by a majority of all the electors voting at such town meeting or election, for the purposes of erecting a public monument within such town in memory of the soldiers of such town or in commemoration of any public person or event; but no debt shall be created nor shall any tax be imposed on any town for such purpose unless the same shall have been voted for by a majority of the legal voters of the town affected, voting at such election. The board of supervisors may legalize the vote of any town for such purpose, and after such vote they may raise or authorize the specified sum or sums of money to be raised for such purpose in any of the modes provided for by law for raising money for towns. All moneys expended by any town for the purposes authorized by this section shall be expended under the direction of the supervisor, town clerk and justices of peace of such town or a majority of them or by a commissioner, or commissioners for that purpose appointed by such town officers or by a majority of them.

Voters at town meetings may vote to raise money for erection of monument to commemorate public events.

Debt not to be created unless authorized by a majority of legal voters of town affected.

§ 2. But the passage of this act shall not affect the right of the electors to vote on a proposition heretofore directed to be submitted by a board of supervisors, or of the power of a board of supervisors, to carry into effect the vote upon such proposition, and except as herein provided, this act shall take effect immediately.

Rights not affected by this act.

Chap. 278.

AN ACT to amend the tax law, in relation to the expense of publishing notices to redeem from county tax sales.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article seven of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in

relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended by adding a new section to be section one hundred and fifty-nine thereof, and to read as follows:

§ 159. **Expense of publishing notice to redeem.**—Where a tax sale has been held by a county treasurer pursuant to this article, the expense of publishing the notice to redeem as required by section one hundred and thirty of this chapter shall be apportioned as equitable as may be between the several pieces or parcels included therein. The amount so apportioned to any parcel shall be paid to the county treasurer by the purchaser at the tax sale upon the execution of a conveyance to him. If a parcel of land is redeemed subsequent to the publication of the notice, the person redeeming shall pay to the county treasurer, in addition to the amount required by section one hundred and fifty-two, the expense of publishing the notice to redeem the same. If a parcel of land is bid in by the county and is not redeemed, the expense of publishing the notice to redeem shall be a county charge. The money received by a county treasurer for the expense of publishing the redemption notices shall be applied by him to pay the publishers therefor.

§ 2. This act shall take effect immediately.

Chap. 279.

AN ACT to amend the penal code and the code of criminal procedure, relative to false alarms of fire and unlawful interference with fire alarm telegraph systems, and the jurisdiction of courts of special sessions.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by inserting therein a new section to be known as section six hundred and thirty-nine-a, and to read as follows:

§ 639-a. **False alarms of fire; unlawful interference with fire alarm telegraph systems.**—Any person who shall wilfully give any false

alarm of fire, or who shall wilfully tamper, meddle or interfere with any station or signal box of any fire alarm telegraph system, or who shall wilfully break, injure, deface or remove any such box or station, or who shall wilfully break, injure, destroy, or disturb any of the wires, poles or other supports and appliances connected with or forming a part of any fire alarm telegraph system shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars or by imprisonment for not less than ten days or by both such fine and imprisonment.

§ 2. Subdivision sixteen of section fifty-six of the code of criminal procedure, is hereby amended to read as follows:

16. Unlawfully injuring any telegraph wire, post, pier, abutment, materials or property belonging to any line of telegraph, wilfully giving a false alarm of fire, or wilfully tampering, meddling or interfering with any station or box of any fire alarm telegraph system, or injuring any box, station, wires, poles, supports and appliances connected with or forming a part of any fire alarm telegraph system.

§ 3. This act shall take effect September first, nineteen hundred and five.

Chap. 280.

AN ACT to amend the consolidated school law, relative to the employment of children, attendance officers, truant schools and the withholding of money by the commissioner of education.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of title sixteen of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, entitled "An act to revise, amend and consolidate the general acts relating to public instruction," as added by chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-four, as amended by chapter four hundred and fifty-nine of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 5. Persons employing children unlawfully to be fined.—It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session; or to employ any child between fourteen and sixteen years of age who does not, at the time of such employment, present a certificate signed by the superintendent of schools or by the principal or the principal teacher of the city or district in which the child resides or by the principal or the principal teacher of the school where the child has attended or is attending, or by such other officer as the school authorities may designate, certifying that such child during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such certificate, has attended for not less than one hundred and thirty days the public schools, or schools having an elementary course equivalent thereto, in such city or district and that such child can read and write easy English prose and is familiar with the fundamental operations of arithmetic; or to employ, in a city of the first class or a city of the second class, any child between fourteen and sixteen years of age who has not completed such course of study as the public elementary schools of such city require for graduation from such schools and who does not hold either a certificate of graduation from the public elementary school or the pre-academic certificate issued by the regents of the university of the state of New York or the certificate of the completion of an elementary school issued by the department of public instruction, unless the employer of such child, if a boy, shall keep and shall display in the place where such child is employed and shall show whenever so requested by any attendance officer, factory inspector, or representative of the police department, a certificate signed by the school authorities or such school officers in said city as said school authorities shall designate, which school authorities, or officers designated by them, are hereby required to issue such certificates to those entitled to them not less frequently than once in each month during which said evening school is in session and at the close of the session of said evening school, stating that said child has been in attendance upon said evening school for not less than six hours each week for such

number of weeks as will, when taken in connection with the number of weeks such evening school will be in session during the remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school of not less than six hours per week for a period of not less than sixteen weeks, and any person who shall employ any child contrary to the provisions of this section or who shall fail to keep and display certificates as to the attendance of employees in evening schools when such attendance is required by law shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which such child resides, a penalty of fifty dollars, the same, when paid, to be added to the public school moneys of the city, village or district in which such child resides.

§ 2. Section seven of title sixteen of said chapter as added by chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-four, as amended by chapter six hundred and six of the laws of eighteen hundred and ninety-six, as amended by chapter four hundred and fifty-nine of the laws of nineteen hundred and three is hereby amended to read as follows:

§ 7. **Attendance officers.**—The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this act, and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this act within such city or school district; and the town board of each town shall appoint, subject to the written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner's district such town is situated.

§ 3. Section nine of title sixteen of said chapter as added by chapter six hundred and seventy-one of the laws of eighteen hun-

dred and ninety-four, as amended by chapter six hundred and six of the laws of eighteen hundred and ninety-six, as amended by chapter four hundred and fifty-nine of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 9. Truant schools.—The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between eight and sixteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto. Such authorities may provide for the confinement, maintenance and instruction of such children in such schools; and they, or the superintendent of schools in any city or school district, may, after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such child, order such child to attend such school, or to be confined and maintained therein, under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is sixteen years of age. Such authorities may order such a child to be confined and maintained during such period in any private school, orphans' home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans' home or similar institution. If the persons in parental relation to such child shall not consent to either such order, such conduct of the child shall be deemed disorderly conduct, and the child may be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction otherwise than at a public school, the child may be

sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans' home or other similar institution, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration, as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend. The authorities committing any such child, and in cities and villages the superintendent of schools therein, shall have authority, in their discretion, to parole at any time any truant so committed by them. Every child suspended from attendance upon instruction by the authorities in charge of furnishing such instruction, for more than one week, shall be required to attend such truant school during the period of such suspension. The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district. Industrial training shall be furnished in every such truant school. The expense attending the commitment and cost of maintenance of any truant residing in any city, village or district, employing a superintendent of schools shall be a charge against such city, village or district, and in all other cases shall be a county charge.

§ 4. Section ten of title sixteen of said chapter as added by chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-four, as amended by chapter nine hundred and eighty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 10. Withholding the state moneys by commissioner of education.—The commissioner of education may withhold one-half of all public school moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this act, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment continue. If the provisions of this act are complied with at any time within one year from the date on which said moneys were withheld, the

moneys so withheld shall be paid over by said commissioner of education to such district or city, otherwise forfeited to the state. The said commissioner of education is hereby authorized and empowered to employ such assistants as he may deem necessary to properly carry this act into effect. He may remove such assistants from time to time and appoint their successors. He shall fix their salaries and under his direction such assistants shall investigate the extent to which this act is complied with in the cities and school districts of the state, and make such reports, and perform such other duties as the said commissioner shall determine. Such assistants shall be paid, in addition to their salaries, their necessary traveling and other expenses incurred in the discharge of their official duties, to be audited by the commissioner of education.

§ 5. This act shall take effect immediately.

Chap. 281.

AN ACT to amend section two hundred and fifty-four of the tax law, in relation to costs and disbursements in certiorari proceedings.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and fifty-four of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 254. **Costs.**—Costs shall not be allowed against the officers whose proceedings may be reviewed under any such writ unless it shall appear to the court that they acted with gross negligence or in bad faith or with malice in making the assessment complained of. If the writ shall be quashed or the assessment confirmed, or if the assessment complained of shall be reduced by an amount less than half the reduction claimed before the assessing officers costs and disbursements shall be awarded against the petitioner. If the assessment shall be reduced by an

amount greater than half the reduction claimed before the assessing officers, costs and disbursements shall be awarded against the tax district represented by the officers whose proceedings may be reviewed. The costs and disbursements shall not exceed those taxable in an action upon the trial of an issue of fact in the supreme court, except that if evidence shall be taken there shall be included in the taxable costs and disbursements the expense of furnishing to the court or to the referee a copy of the stenographer's minutes of the evidence taken.

§ 2. This amendment shall not apply to the proceedings under any writ granted prior to the first day of July, nineteen hundred and five.

§ 3. This act shall take effect July first, nineteen hundred and five.

Chap. 282.

AN ACT relating to the investment, by the chamberlain of the city of New York, of funds or moneys paid into court in the counties of New York, Kings, Queens and Richmond.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The chamberlain of the city of New York, with the consent and approval of the comptroller of the state of New York, may invest any moneys held by him in trust, pursuant to the provisions of chapter eight, title three, of the code of civil procedure, in the corporate stock, revenue bonds or special revenue bonds of the city of New York. For the purpose of making such investment he may combine two or more funds or portions of the same, and any bank or trust company with which such funds or moneys are deposited shall honor the check or draft of the chamberlain for the same, when the said check or draft is accompanied by a certificate of the chamberlain to the effect that such funds or moneys are withdrawn for the purpose of investing the same as herein specified.

Investment
of trust
funds by
chamber-
lain.

§ 2. This act shall take effect immediately.

Chap. 283.

AN ACT to amend chapter five hundred and six of the laws of nineteen hundred and two, entitled "An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for said village and to prescribe their powers and duties."

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter five hundred and six of the laws of nineteen hundred and two, entitled "An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for said village and to prescribe their powers and duties," is hereby amended to read as follows:

§ 12. It shall be the duty of the commissioners appointed pursuant to the provisions of this act, on or before the first day of May in each year, after the passage of this act, to report to the board of trustees of said village the general conditions of the streets, bridges, culverts, sidewalks, lanes and alleys, with estimates of the probable expenses to put them in good repair, and so maintain them, during the ensuing year and the current expenses of the board; also estimates of the amount required for the grading, working, building and preparing for travel, new streets and avenues, and streets and avenues widened pursuant to law by them, but which have not been prepared for travel; also estimates of the probable amount so required to make such permanent improvements in paving and macadamizing or otherwise improving streets and avenues, as the board shall determine to make during the ensuing year; also estimates of the amount necessary for the payment of the principal and interest falling due on any sewer bonds and the amount required for the maintenance of the system of sewers and water carriers and for the maintenance and operation of the plant for the disposal of the sewerage of the village; also a statement of the principal and interest of the bonded water indebtedness of the said village, the items of their receipts and disbursements during the preceding

Report of
condition of
streets:
estimates
for repair-
ing, grading
and build-
ing new
streets.

Estimates
for amount
due on
sewer
bonds.

Statement
of water
debt.

year and the amount of money to their credit applicable to the payment of such indebtedness and an estimate of the amount necessary to be raised for the purpose of paying any deficiency; also a statement of the number and condition of the street lamps ^{Lighting streets.} and all existing contracts for lighting the streets and public buildings and for lighting, extinguishing cleaning and keeping in order lamps and other appliances therefor; together with estimates of the amount required to be paid for such purpose during the ensuing year; also a statement of all leases and contracts for lands or premises leased or purchased for hack stands or market places and an estimate of all amounts required for the payment of rent or of the purchase price thereof, or the interest thereupon, and an estimate of such further amount as shall be required for preparing, keeping in order and regulating all hack stands and market places; the amount of which rents and interest shall not exceed fifteen hundred dollars in any one year and the amount of which purchase price shall not exceed the sum of ten thousand dollars. The trustees shall include the amount of such estimates in the next village tax levy, and the same shall be collected by the receiver of taxes, but there shall not be raised a greater sum than twenty-five thousand dollars in any one year for the repair and maintenance of streets and avenues and the current expenses of the board; nor a greater sum than five thousand dollars in any one year for preparing new streets and avenues, and streets and avenues widened pursuant to law by them for travel; nor a greater sum than five thousand dollars in any one year thereafter for permanent improvements. The amounts collected for the several purposes specified in this section shall be kept by the receiver of taxes in separate accounts, and all certificates of said commissioners to claims for indebtedness incurred by them shall specify from which account they are payable. Said commissioners shall have power to raise by loan, in anticipation of the collection of such taxes, any sum required for the purposes of this act. ^{Estimates for rent.} ^{Estimates to be included in next tax levy.} ^{Amounts collected to be kept separate}

§ 2. This act shall take effect immediately.

Chap. 284.

AN ACT to amend the public health law, relative to the report of the health officer of the port of New York.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-five of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter two hundred and sixty-eight of the laws of nineteen hundred, is hereby amended to read as follows:

§ 125. **Annual report.**—The health officer shall make a report to the quarantine commissioners annually on or before January first for the preceding fiscal year, containing an itemized statement of all his receipts and disbursements and of the general condition of the quarantine establishment, the statistics of the establishment in detail, and such other information and suggestions in regard to it as he may deem advisable. A duplicate of said report shall at the same time be filed by said health officer with the comptroller.

§ 2. This act shall take effect immediately.

Chap. 285.

AN ACT to amend the forest, fish and game law, in relation to the duties of the superintendent of forest fire wardens and game protectors.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter three hun-

dred and twenty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 154. **Office and clerical force.**—The commission shall have an office in the capitol at Albany and hold meetings there at least once a month, and at such other times and places as they may appoint. The commission may lease an office in the borough of Manhattan or in the borough of Brooklyn for the sale or lease of lands under water, as provided by law. The commission may appoint an assistant secretary who shall have a salary of two thousand dollars a year; a superintendent of forests whose compensation they shall fix, and who shall, subject to the direction of the commission, have general supervision of the forest preserve and the forestry interests of the state, and who shall enforce all laws and regulations for the protection and preservation of the forest preserve, and public parks described in this act; and such other clerical assistants as are actually needed.

§ 2. Section one hundred and seventy of said act, as amended by chapter two hundred and forty-seven of the laws of nineteen hundred and two, is hereby amended so as to read as follows:

§ 170. **Game protectors.**—The commission shall appoint fifty game protectors. One shall reside in each of the counties of Essex, Clinton, Franklin, Saint Lawrence, Jefferson, Lewis, Herkimer, Hamilton, Warren and Washington and the next eight protectors shall be appointed from said counties. Protectors shall hold office during the pleasure of the commission. The commission shall from time to time designate from the protectors a chief game protector and three assistant chiefs, two oyster protectors, an assistant oyster protector and a protector for the Saint Lawrence river. The chief game protector shall have general supervision and control of all protectors, and shall have his office with the commission.

§ 3. Section one hundred and seventy-three of said act, as amended by chapter two hundred and seventy-seven of the laws of nineteen hundred and three, is hereby amended so as to read as follows:

§ 173. **Powers of game protectors.**—Game protectors shall enforce all laws relating to fish and game; all laws of boards of supervisors relating to the same; and shall have power to execute all warrants and search warrants issued for a violation of the forest, fish and game law; to serve a summons issuing from

justices' court; to serve subpoenas issued for the examination and investigation or trial of offenses against any of said laws; to make search where they have cause to believe that fish or game is possessed in violation of law, and without search warrant to examine the contents of any boat, car, box, locker, basket, creel, crate, gamebag or other package, and the contents of any building other than a dwelling house, to ascertain whether any of the provisions of this act or of any law for the protection of fish, shell-fish, and game have been violated, and to use such force as may be necessary for the purpose of such examination and inspection; and with a search warrant to search and examine the contents of any building or dwelling house; to arrest without warrant any person committing a misdemeanor under the provisions of this act in their presence, and take such person immediately before a magistrate having jurisdiction for trial.

§ 4. Section one hundred and eighty-five of said act is hereby amended so as to read as follows:

§ 185. Actions for penalties by the people.—Actions for penalties for a violation of the fish and game provisions of this act shall be in the name of “the people of the state of New York;” and must be brought on the order of the chief game protector or of a commissioner. Special counsel may be employed and their compensation fixed by the commission. Such actions may be discontinued by order of the court on the application of the commissioner or chief game protector upon such terms as the court may direct. Such actions if in justice's courts, may be brought in any town of the county in which the penalty is incurred or of the county in which the defendant resides.

§ 5. Section one hundred and eighty-seven of said act, as amended by chapter five hundred and ninety-two of the laws of nineteen hundred and four, is hereby amended so as to read as follows:

§ 187. Proceeds of actions by the people.—Moneys recovered in an action for a penalty, or upon the settlement or compromise thereof, and fines for violations of this act shall be paid to the commission who shall apply so much thereof as may be necessary to the payment of the expenses of collection except attorney fees, and shall on the order of the commissioner pay one-half of the balance to the game protector or fire warden, upon whose information the action was brought.

§ 6. Section one hundred and eighty-eight of said act is hereby amended so as to read as follows:

§ 188. **Actions by private persons or societies.**—A private person except the owner or lessee of the premises upon which a penalty is incurred, on giving security for costs to be approved by a judge of the court in which the action is brought and any society or corporation for the protection of fish or game, may recover in his or its name any penalty imposed by this act for a violation of the fish and game provisions thereof, and shall be entitled in case of collection, to one-half of the recovery; the balance shall be paid to the commission. Notice of the commencement of such an action shall be given to the commissioner or the chief game protector within fifteen days after the service of the summons therein, and failure to give such notice shall be a defense to the action. If after the commencement thereof an action be brought for the same penalty in the name of the people, an order shall be entered on the application of the chief game protector or of a commissioner for the discontinuance of such action without cost to either party. Motion papers in such an application shall be entitled in both actions.

§ 7. Section two hundred and twenty-two of said act, as amended by chapter three hundred and thirty-four of the laws of nineteen hundred and two, is hereby amended so as to read as follows:

§ 222. **Trespass on forest preserve.**—Foresters, inspectors, game protectors and firewardens shall upon the discovery of a trespass upon the forest preserve forthwith report the same in writing to the superintendent of forests. They shall have the power to arrest without warrant any person detected in trespassing on lands of the forest preserve, and to take such person immediately before a magistrate having jurisdiction for trial; and they shall report such action to the superintendent of forests. Actions may, on the order of a commissioner be maintained in the name of the people, through special counsel, whose compensation shall be fixed by the commission, to recover damages for trespass or waste on lands in the forest preserve, or to prevent trespass or injury thereto with relief by temporary or final injunction; or to recover possession of lands belonging to the state within the forest preserve. Moneys recovered in such an action shall be paid to the commission, which after

paying the expenses of collection, shall pay to the game protector or firewarden upon whose information the action was brought fifty dollars or if the net balance be less than one hundred dollars, one-half thereof. A person who cuts or causes to be cut or carries away or causes to be carried away any tree, timber, wood or bark from state lands in the forest preserve is guilty of a misdemeanor; he shall also be liable to a penalty of ten dollars for each tree cut, taken away or destroyed by him, or under his direction. The penalty so incurred may be recovered in the action to recover damages for trespass or in a separate action.

§ 8. Section two hundred and twenty-four-a of said act as added by chapter three hundred and twenty-six of the laws of nineteen hundred and one, and as amended by chapter five hundred and ninety of the laws of nineteen hundred and four, is hereby amended so as to read as follows:

§ 224-a. Chief firewarden and foresters.—The commission shall appoint a chief firewarden who shall receive an annual salary of fifteen hundred dollars and his necessary traveling expenses, and who shall have supervision of town firewardens, visit and instruct them in their duties and enforce the law as to fire districts in towns and under the authority of the commission commence prosecutions for violations of laws to prevent forest fires and trespasses on the forest preserve; and may from time to time employ expert foresters. The chief and expert foresters shall hold office during the pleasure of the commission and perform such duties for the preservation of forests as the commission shall prescribe. The commissioner may also appoint five inspectors at least four of whom may during seasons of the year when forest fires occur, serve along lines of steam railroads in the forest preserve counties of the Adirondacks. They shall inspect such railroads and the engines thereon reporting to the commissioner the condition thereof for the purposes of fire prevention, and perform such other duties in preventing forest fires and protecting the forest and in reforestation as the superintendent of forests or the commissioner shall direct. They shall also have the powers of game protectors, and shall each receive an annual salary of six hundred dollars and an allowance for expenses not exceeding four hundred and fifty dollars.

§ 9. Section two hundred and twenty-four-b of said act, as added by chapter three hundred and twenty-six of the laws of nineteen hundred and one, and as amended by chapter five hundred and ninety of the laws of nineteen hundred and four, is hereby amended so as to read as follows:

§ 224-b. Fire patrol.—Whenever in the judgment of the commissioner it is necessary to protect the forests from fire, he shall organize and as long as necessary maintain a fire patrol along the lines of railroads in forests in counties containing parts of the forest preserve, and at such other places in such counties as the public interest requires. Such patrol shall be organized and maintained under the chief firewarden and inspectors who shall themselves be placed in charge of sections of the exposed areas as fire patrols. Game protectors may so far as the public interest will permit, be detailed as additional assistant firewardens for such patrol under the chief firewarden. The commissioner may also in case of immediate peril from fire with the consent of the governor, employ temporarily such additional assistants to maintain an efficient fire patrol as the public interest requires. The chief firewarden and inspectors when engaged in inspection of railroad lines and engines or on fire patrol duty on railroad lines, as herein provided, shall be transported without charge from point to point as their duties shall require, by the railroad companies on whose lines such fire patrol and inspection are maintained. The commissioner shall keep account of the cost of maintaining any such fire patrol and system of inspection along the line of a railroad in the forest preserve, including therein the salaries, expenses and wages of public officers or employees directly engaged in maintaining such patrol for the time that the said patrol and inspection are maintained, and one-half the cost thereof during the preceding year shall be paid by the railroad company on the first day of December of each year to the commissioner. The commissioner may also organize in any town in the forest preserve a fire patrol during the season when fires occur. One-half the expense thereof shall be a town charge, and one-half shall be paid by the state unless according to the last assessment roll of such town more than one-half of the landed property therein in value, is the property of the state in which case the state shall

pay such a proportion of the cost of such patrol as the value of the lands held by the state bears to the entire assessed valuation of such town, and the remainder shall be a town charge. If the state pay the whole amount the commissioner may collect the amount payable by any town of such town.

§ 10. This act shall take effect immediately.

Chap. 286.

AN ACT to amend the code of criminal procedure, relative to the persons who may be present during the sessions of the grand jury.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty-four of the code of criminal procedure is hereby amended to read as follows:

§ 264. When and from whom they may ask advice, and who may be present during their sessions.—The district attorney of the county, an assistant district attorney, or in counties having no assistant district attorney an attorney appointed by a justice of the supreme court upon the nomination of the district attorney to attend upon the grand jury, must be allowed, at all times, to appear before the grand jury, at his request, for the purpose of giving information relative to any matter before them, but no district attorney, officer or other person, shall be present with the grand jury during the expression of their opinions, or the giving of their votes upon any matter.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 287.

AN ACT to amend the penal code, in relation to stamping or marking articles manufactured of gold or of any alloy of gold.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by inserting therein a new section between sections three hundred and sixty-four-i, and three hundred and sixty-five, to be known as section three hundred and sixty-four-j, and to read as follows:

§ 364-j. Any person, firm, corporation or association who or which makes or sells or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise, constructed in whole or in part of gold or of any alloy of gold and having stamped, branded, engraved or imprinted thereon any mark indicating or designed or intended to indicate that the gold or alloy of gold in such article is of a greater degree or karat of fineness by more than one karat than the actual quality or fineness of such gold or alloy, is guilty of a misdemeanor.

Merchandise made of gold, manufacturing, selling and stamping of.

§ 2. This act shall take effect January first, nineteen hundred and six.

Chap. 288.

AN ACT to amend chapter three hundred and thirty-one of the laws of eighteen hundred and ninety-eight entitled "An act in relation to violations of the provisions of the penal code, relating to the manufacture or sale of spurious silverware," by making the provisions thereof apply to the manufacture or sale of spurious goldware.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of chapter three hundred and thirty-one of the laws of eighteen hundred and ninety-eight entitled "An

act in relation to violations of the provisions of the penal code, relating to the manufacture or sale of spurious silverware," is hereby amended to read as follows: "An act in relation to violations of the provisions of the penal code, relating to the manufacture or sale of spurious silverware or goldware."

§ 2. Sections one, four, five and six of such act are hereby amended to read respectively as follows:

§ 1. Upon any information against a person, firm, corporation or association for violation of sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, three hundred and sixty-four-h, or three hundred and sixty-four-j of the penal code, the magistrate must issue a summons in substantially the form prescribed in section six hundred and seventy-six, signed by him, with his name of office, requiring the accused to appear before him at a specified time and place to answer the charge; the time to be not more than twenty days after the issuing of the summons.

Summons,
issue and
return of.

§ 4. If it shall appear to the magistrate upon the investigation that the defendant has filed a bond as provided in section five, and that the article of merchandise concerning which the charge is brought was not made or altered in any way by the defendant, and that it was acquired by him in good faith as an article of the standard of purity prescribed in sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, three hundred and sixty-four-h, or three hundred and sixty-four-j, of the penal code, and without knowledge or information on the part of the defendant to the contrary, the charge must be dismissed and the defendant discharged, provided the person from whom the defendant acquired the article is within the jurisdiction of the court or has likewise filed a similar bond, which bond is in full force and effect at the time of the sale by said defendant, and provided also the defendant furnish to the magistrate an affidavit stating the name, residence and place of business of the person from whom the article was acquired by the defendant, and the circumstances of its acquisition, together with an undertaking with two sufficient sureties,

Dismissal
of com-
plaint,
conditions
for: aff-
davit;
under-
taking, etc.

in a sum to be fixed by the magistrate, conditioned for the appearance of the defendant to testify in any prosecution, action, or proceeding against the person from whom the article was acquired, or in any action or proceeding upon the bond given by such person.

§ 5. Any manufacturer of silverware or goldware, or any wholesale or retail dealer in silverware or goldware, upon payment of a fee of fifteen dollars, may file in the office of the secretary of state a bond, executed by himself as principal, and by a fidelity or surety company authorized by the laws of this state to transact business, or by himself as principal and two sufficient sureties, both of whom must be freeholders, and at least one of whom must be a resident of this state and a freeholder therein, which bond shall be approved by a justice of the supreme court, and be subject to the provisions of chapter eight, title six, article fifth, of the code of civil procedure, so far as they are applicable, in the penal sum of five thousand dollars, conditioned for faithful compliance with all the provisions of sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, three hundred and sixty-four-h, or three hundred and sixty-four-j, of the penal code.

§ 6. Upon satisfactory proof by affidavit to the attorney-general, of a violation of any provisions of sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, three hundred and sixty-four-h, or three hundred and sixty-four-j, of the penal code, it shall be his duty to declare the bond provided for in the preceding section forfeited, and to forthwith proceed on behalf of the people of the state of New York to recover, as liquidated damages, the whole of the sum specified therein from the parties thereto, against whom judgment for the entire amount must be rendered upon proof duly made of a violation by the principal of any provision of the said sections of the penal code, unless the principal shall already have been convicted in a criminal prosecution for the same violation. If, however, at any time before the recovery of judgment upon such forfeiture, the principal shall appear

Bond of manufacturer to be filed with secretary of state.

Forfeiture of bond, actions for.

before the magistrate who issued such warrant or summons, so that the charge against him may be duly examined and proceeded with criminally, any proceedings before the attorney-general shall be discontinued, and if the bond shall have been meanwhile forfeited, such forfeiture shall be rescinded by the attorney-general, and any subsequent action thereon thereby rendered null and inoperative.

§ 3. This act shall take effect January first, nineteen hundred and six.

Chap. 289.

AN ACT to amend chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-four, entitled "An act to incorporate the village of Lyons" relating to disorderly persons and the jurisdiction of the police justice.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-four, entitled "An act to incorporate the village of Lyons", is hereby amended by adding a new section thereto to be known as section thirty-five-a, thereof, and to read as follows:

Disorderly
persons.

§ 35-a. The following persons within the corporate limits of the village of Lyons are disorderly persons:

1. All idle persons who not having visible means to maintain themselves live without employment.

2. All persons wandering about and begging, or who go about from door to door, or place themselves in the streets, highway, passages or public places without the written permission of the president of the village of Lyons to beg and receive alms.

3. All persons who have no visible occupation, profession or business to maintain themselves by, but who do, for the most part, support themselves by gambling or crime or by the avails of prostitution.

4. All common prostitutes.

5. All persons found quarreling within said village in any public walk, street, lane or alley or in any public place.

6. Any person, who shall, within said village, make indecent gestures or exhibitions of himself or herself in public view, or shall in any public place aforesaid use indecent, foul or profane words, or opprobrious, insulting or provoking language or utterances tending to breaches of the peace, or utter threats of unlawful violence, or shall make unusual disturbance of the public peace or quiet, or shall recklessly or without necessity discharge and fire off firearms in the day or night time, or knowingly give a false alarm of fire, or shall alone, or with others not using the public ways of said village to pass and repass, lounge and loiter about, standing on or occupying sidewalks, or any public place, in front of or along any premises or building public or private, not owned or occupied by such person.

7. All persons, who, without any right on or about the approaches, passage, entrance hall or stairway of any building used for public assemblages, or public resort, to the annoyance or impediment of persons lawfully passing and repassing or of property owners, and shall refuse, after direction of an officer or citizen to pass along or disperse from said place or places.

8. Any person who shall disturb or interrupt any public meeting, school, concert, theater or exhibition, or any assemblage without lawful authority.

9. Any person who shall in the night time be found lurking suspiciously around any place in said village, and shall refuse, on demand of any policeman or watchman, to give an account of himself or herself.

10. Any person who shall, being a minor under the age of twenty-one years, be found carrying in any public place in said village a loaded pistol, revolver or other firearm concealed.

11. Any person who shall, being a truant child under the age of fourteen years and shall be found wandering about late at night alone or in company with like persons.

12. Any person who shall maliciously and unlawfully open or enter any barn, stable or enclosure and take away therefrom, or from any other place in said village, any horse, team, harness, carriage or other vehicle of another under circumstances not making said offense a larceny or felony.

13. Any person who shall have been engaged in any public place aforesaid throwing stones or other missiles and endangering persons or property.

14. Any person who shall wantonly and maliciously injure any street or public gas or electric lamp, lamp post, wire, gas pipe, or main, or any public water pipe, main, hydrant, hose or other works or apparatus for the extinguishment of fire used by the said village of Lyons, and all appurtenances thereto.

15. Any person who shall be found naked or with person improperly exposed bathing in any of the canals, basins, streams, races, ponds or waters in said village in any public place, or within sight of any public place between the hours of four in the morning and nine o'clock in the evening.

Penalty.

Every person found guilty of being a disorderly person, as aforesaid, and every person guilty of any act or acts making such person a disorderly person as aforesaid, as herein declared, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail or a penitentiary for a term not exceeding six months, or by both said fine and imprisonment. Subject to the power of removal provided by section fifty-seven of the code of criminal procedure, the police justice of the village of Lyons shall have in the first instance exclusive jurisdiction to hear, try and determine any and all violations of any of the provisions of this section.

Police
justice,
jurisdiction
of.

§ 2. This act shall take effect immediately.

Chap. 290.

AN ACT to amend the village law, in relation to village elections.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-nine of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended to read as follows:

§ 49. Election of trustees by wards.—A village of the first or second class may elect trustees by wards upon the adoption of a proposition therefor at a special election. If such proposition

be adopted, the board of trustees shall meet within twenty days thereafter and divide the village into wards of a number equal to one-half of the number of trustees which the village has a right to elect. Such wards shall contain a population as nearly equal as may be, and be of convenient and contiguous territory, in as compact form as practicable. The board of trustees shall make a certificate of such division, which shall contain a description of each ward, and shall file the same in the office of the village clerk, and publish it in each newspaper published in the village, at least twenty days before the next annual election. One trustee shall thereafter be elected annually in each ward, for a full term. If after such division into wards, the number of trustees in the village be changed, the board of trustees shall, in like manner, make a new division into wards.

§ 2. Section fifty-five of the village law as amended by chapter one hundred and chapter two hundred and thirty-one of the laws of nineteen hundred and four is hereby amended to read as follows:

§ 55. Annual elections.—An annual election shall be held in each village on the third Tuesday in March, unless a town meeting of a town in which any part of the village is situated, or a general election, shall be held on such day, in which case the annual election shall be held upon the next day thereafter. All other village elections are special elections. A village of the second, third or fourth class may by the adoption at an annual or special election of a proposition therefor, hold its annual election on any Tuesday in June, unless a town meeting of a town in which any part of the village is situated, or a general election, shall be held on such day, in which case the annual election shall be held upon the next day thereafter. A special election for the adoption of such a proposition may be held at any time. The official year in such village shall begin at noon on the first Monday after the said election. The board of trustees or such members thereof as are in office shall by resolution, adopted at least ten days before every village election, designate the hours of opening and closing the polls thereof, which shall include at least four consecutive hours between sunrise and sunset. The resolution shall also designate the place of holding the election, or if there is more than one election district, in the village, the place of holding the election in each

district. The board or such members thereof as are in office also shall, at least ten days before the election, cause notice thereof to be published at least once in the official paper, if such paper is published in the village, and a printed copy thereof conspicuously posted in at least six public places in the village, specifying the time and place or places, of holding the election, the hours of opening and closing the polls thereof, the offices, if any, and the term to be filled, and setting forth in full all propositions to be voted upon. If the board or such members thereof as are in office neglects to appoint the place or places for the annual election, the election shall be held at the place or places of the last preceding annual election, and if it neglects to appoint the hours of opening and closing the polls thereof, such hours shall be the same as at the last preceding annual election. An annual election of the village officers shall not be invalid because of a failure to give such notice. A vote upon a proposition shall be void unless due notice of the election has been given. If a village, constituting a single election district, is divided into wards and elects trustees by wards, separate ballot boxes shall be provided for each ward, and the ballots of the electors residing therein shall be deposited in the ballot box designated for such ward.

§ 3. This act shall take effect immediately.

Chap. 291.

AN ACT to cancel and annul certain unpaid assessments for local improvements affecting property in the city of New York now belonging to the Hebrew infant asylum of the city of New York.

Accepted by the city.

Became a law, April 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the sinking fund of the city of New York are hereby authorized and empowered in their discretion, and on such terms as they deem proper, to cancel and annul any and all unpaid assessments for local improvements

and sales to the city of New York for assessments, or any of them, affecting property in the city of New York now belonging to the Hebrew infant asylum of the city of New York, and the comptroller of the city of New York is hereby directed to mark such assessments and sales for assessments upon the assessment records of the city of New York in according* with the determination of the said commissioners.

§ 2. This act shall take effect immediately.

Chap. 292.

AN ACT to authorize a further appropriation for the maintenance of the American museum of natural history in the Central park of the city of New York.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York may annually in its discretion include in the budget for the then next ensuing financial year a sum not exceeding forty thousand dollars to be applied by the department of parks of said city through the commissioner of parks for the boroughs of Manhattan and Richmond for keeping, preparing, preserving and exhibiting the collections in the buildings in the Central park in the said city that are now or hereafter may be occupied by the American museum of natural history in addition to the sum or sums now authorized by law for such purposes.

Amount of appropriation.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 293.

AN ACT to amend the highway law, relating to the cutting and removing of weeds and brush and providing for the same when the highway is the boundary line between two or more towns.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-three-a of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as added by chapter five hundred and sixteen of the laws of nineteen hundred, as amended by chapter one hundred and thirty-six of the laws of nineteen hundred and three, as amended by chapter four hundred and seventy-eight of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 53-a. **Duty of highway commissioners in certain towns.**—In towns where the money system of taxation has been adopted for working highways, it shall be the duty of each owner of lands and occupant of lands owned by nonresidents, situated along the highway, to cut and remove the noxious weeds and brush growing within the bounds of the highway fronting such lands at least twice in each year, once before the first day of July and again before the first day of September, and also to remove all fences, brush, shubbery* or other obstruction causing the drifting of snow upon said highway before the first day of November in each year. If the owner or occupant fails to cut and remove such weeds or brush and remove such fences, brush, shrubbery or other obstruction causing the drifting of snow as provided in this section, the commissioner of highways of the town in which such lands are situated shall cause the same to be done, and shall give such owner notice in writing served personally or by mailing to his postoffice address, if the commissioner can with due diligence ascertain the same, stating that at a specified time and place the commissioner will assess the cost thereof against such owner so neglecting, and return the same to

*So in original.

the town board of his town at the meeting held on the Thursday next preceding the annual meeting of the board of supervisors, stating the name of each owner, and the amount assessed against him. The time so fixed shall not be less than eight days after the personal service or the mailing of such notice. The town board shall certify the amount of the assessment made by the highway commissioner to the board of supervisors. The board of supervisors shall cause the amount so returned to them by the town board to be levied against such delinquent owner and added to his highway tax for the ensuing year. In towns in which a public highway is the boundary line between the same and when such highway shall have been divided between such towns, or may hereafter be so divided, so that the commissioner of highways of each town shall have exclusive jurisdiction over a section or sections of said highway, the commissioner of highways having such jurisdiction of such section or sections may enforce the provisions of this section with the same force and effect as though all the land were situated in his town and he shall, in the manner provided in this section, assess the cost thereof against such owner so neglecting, and return the same to the town board of the town in which such lands may be situated in the same manner and the same may be enforced as provided in this section as though such lands were wholly situated in the town in which such commissioner of highways resided.

§ 2. This act shall take effect immediately.

Chap. 294.

AN ACT to authorize the city of Yonkers to borrow money and issue bonds for highway purposes in said city.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Yonkers is hereby empowered to borrow upon the credit of said city, not to exceed the sum of twenty thousand dollars, upon such terms

Bond issue,
amount of.

and at such rate of interest as said common council shall determine, and issue the bonds of said city therefor, signed by the mayor and city clerk, and sealed with the seal of said city.

Sale and
payment of
bonds.

§ 2. Said bonds shall be sold at not less than par, and the moneys realized therefrom shall be appropriated by the common council to the department of public works, to be used and expended by said department for highway purposes in the city of Yonkers. The common council is hereby authorized to raise by tax such sums of money as shall be necessary to pay the interest on said bonds and the principal thereof, which sums shall be in addition to all other sums authorized to be raised by tax.

§ 3. This act shall take effect immediately.

Chap. 295.

AN ACT to amend chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," and the several acts amendatory thereof—relative to building and maintaining of sidewalks and curbing, and the cost thereof.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of title ten of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," as amended by chapter eight hundred and fifty-eight of the laws of eighteen hundred and ninety-five, and chapter seven hundred and seventeen of the laws of eighteen hundred and ninety-seven, is hereby further amended so as to read as follows:

Sidewalks,
expenses of
maintaining
by whom
paid.

§ 7. The building and maintaining in good order of all sidewalks, the grading, trestling and setting curbstones therefor, and the building of necessary retaining walls to prevent the earth from caving from underneath said walks, and piers for the support thereof, shall be done at the expense of the premises in front of which they are required, or at the expense of the owners

thereof, except that when it becomes necessary to relay any walk or reset any curb by reason of a change in the established grade of the street, said walk or curb shall be tested by the city engineer, and if found to be substantially on the former grade of the street, the expense incident to such change, except for new materials, other than filling, shall be borne by the city and shall be paid from the street commissioner's fund, and whenever it shall become necessary to do any such work, other than such as is to be done at the expense of the city, the board of street commissioners shall order it done within a specified time, and in case said premises shall be in actual occupation of any person, such person or the owner of the premises shall be served with a notice in which shall be stated in general terms what has been ordered to be done and the time within which it has been required; such notice shall be signed by the clerk of said board and shall be served personally or by leaving it with some person of suitable age at the place of residence of such occupant or owner, or it may be served by depositing it in the postoffice with the postage prepaid thereon properly folded and directed to such occupant or owner at Binghamton, New York. An affidavit stating the time and manner of the service of such notice shall be made by any person having knowledge thereof, and filed with the clerk of said board, which affidavit when so filed shall be presumptive evidence in all courts of the facts therein contained. If any work shall not be done within the time limited therefor, the superintendent of streets shall by contract or otherwise, cause it to be done and shall forthwith present a statement of the expense thereof, with a description of the premises in front of which the work shall, have been done, to said board, which shall assess* the expense of said work, with ten per centum additional, upon said premises, or upon the owner thereof, and in case said premises shall not be in actual occupation of any person, said board may direct the superintendent of streets to cause said work to be done forthwith, and without any notice, and the expense thereof to be assessed in the same manner. Said assessments shall be and become a lien on the premises in front of which the work shall have been done in the same manner and with the same effect as other assessments are made liens by any of the provisions of this act. The clerk shall enter, in a book to

Service of
notice.

Affidavit of
service of
notice.

Superin-
tendent of
streets may
cause work
to be done
by con-
tract.

Assess-
ment of
expense of
work.

Assess-
ments to
become
liens.

Record of
assessment.

* So in original.

be kept for that purpose, the name of the owner or occupant of the premises assessed, a brief description of said premises and the amount of such assessment, and a bill or statement of the amount of such assessment shall be sent by mail or be presented personally to such owner or occupant, if his address be known, otherwise the same shall be mailed to such owner or occupant at Binghamton, New York. Any person or the owner of any premises so assessed may pay such assessment together with interest at the rate of six per centum per annum from the time such assessment was made and upon such payment, the record of such assessment shall be cancelled. During the month of January in each year, the clerk of said board shall make up an assessment roll of all unpaid assessments to the time of the making up of said roll, adding to each of such assessments interest thereon at the said rate of six per centum per annum, and shall thereupon give public notice in the official paper for one week of the completion of said roll and that the same will remain in his office for the term of ten days from the date of the notice, during which time any person interested may examine said roll; and at the expiration of said ten days, and on a day and hour and at a place to be specified in said notice the board of street commissioners shall meet and hear any objections to said assessment and shall decide upon all objections and shall, if need be, alter and correct said roll, and when complete, the said commissioners or a majority of them shall sign said roll and file the same with the city clerk, who shall place the same before the common council, and said common council shall thereupon cause the proper warrant to be attached and the roll delivered to the city treasurer for the collection of the assessments thereon in the same manner, as near as may be, as other assessments for local improvements are collected under the provisions of this act. In case any sidewalks shall be paved or curbed, by the owner with stone, or any other material other than wood, approved by the board of street commissioners or other authorities having the charge of streets and sidewalks, and such walk or curb being built for the first time, one-half the cost of such paving or curbing, exclusive of the cost of grading shall be paid by the city, but in no case shall the entire cost of such walk exceed two dollars per square yard for the purpose of fixing the amount to be paid by the city; and before any such payment shall be made by the

Payment of assessments.

Assessment roll, notice of completion of.

Warrant for collection.

Paving and curbing with stone.

city, the city engineer shall furnish to the board or official by whom such payment is to be made, a certificate that said walk or curb is laid or set upon the established grade and line as given by him and is of such proper materials as shall have been authorized to be used by the city for such purposes. Any unused credit now existing, shall continue until exhausted in the manner now provided by law and may be transferred to any subsequent grantee of the premises upon filing with the clerk of the board of street commissioners, an assignment in writing, of such credit, executed and acknowledged in the same manner as deeds to be recorded are required to be executed and acknowledged, and he shall certify to the city clerk on or before May first in each year all transfers of credits made during the preceding year. For the purpose of providing money to pay the city's share of the cost of sidewalks and curbing as herein provided, the common council of said city is hereby authorized and empowered to include in the city tax budget and levy in each year, such a sum as it shall deem necessary for such purpose, and when such sum shall have been raised it shall be by the city treasurer placed to the credit of the board of street commissioners as a special fund available for no other purposes than herein provided. And in case the amount raised in any one year shall be insufficient to pay all the obligations of the city hereunder, it shall be lawful for the common council to borrow upon the notes and credit of the city the deficiency which may arise, and such notes shall be paid out of the moneys raised in the next annual tax budget and levy, for the purposes hereinbefore in this section provided.

Unused
credits,
transfer of.

City's share
of expense,
how raised.

§ 2. This act shall take effect immediately, but no claims against the city hereunder shall be due or payable prior to August first, nineteen hundred and five.

Chap. 296.

AN ACT to amend chapter five hundred and eighty of the laws of nineteen hundred and one, entitled "An act to authorize and empower the city of New York to establish and maintain a free public library system," in relation to contracts with the trustees of certain public libraries in the city of New York.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred and eighty of the laws of nineteen hundred and one entitled "An act to authorize and empower the city of New York to establish and maintain a free public library system," is hereby amended to read as follows:

Free
libraries,
construction
and main-
tenance of.

§ 2. The board of estimate and apportionment of the city of New York is hereby authorized in its discretion to make and enter into contracts with the said Andrew Carnegie or with any person or persons designated by him or with his personal representatives, or with any corporation or corporations approved by him or them having lawful authority to construct and maintain free libraries, which contracts may provide for the erection and equipment, without cost to the city of New York, of library buildings upon the sites so acquired, or upon other sites now possessed or which may be possessed by such corporation or by the city of New York. Every such contract with the said corporation shall provide for the use and occupation of the buildings thereafter erected, in compliance with the terms of such contract by the corporation by which such contract is made, and for the establishment and maintenance in each of them of a free branch public circulating library and reading room, and every such contract may provide that such use and occupation shall continue so long as the said corporation with which it is made shall maintain such free branch public libraries and reading rooms upon the said sites respectively. The said board of estimate and apportionment is hereby further authorized and empowered in its discretion to make and enter into contracts with the trustees of

Contracts,
provisions
of.

Damage to
library
buildings
to be paid
by city.

the New York public library, the Brooklyn public library, and the Queens borough library, respectively, obligating the city of New York at its own expense to make good any damage to the library buildings that may be erected pursuant to this act or to their contents by fire or otherwise; and it shall be the duty of the said board of estimate and apportionment to cause to be made at the expense of the city of New York such repairs or restorations as may be reasonably necessary from time to time in order to keep the said library buildings in proper condition; and it shall be the duty of the said board of estimate and apportionment to provide at the expense of the city of New York the original stock of books for any library building so erected where no stock of books exists.

Repair of
buildings.

§ 2. Section four of said chapter, is hereby amended to read as follows:

§ 4. For the purpose of carrying out the provisions of this act and for paying the expenses of the acquisition of the sites and conducting the proceedings for the condemnation thereof, it shall be the duty of the comptroller of the city of New York on being thereunto authorized by the said board of estimate and apportionment, to issue and sell the corporate stock of the city of New York in such amounts as may be necessary, and at such a rate of interest as may be fixed by said comptroller. No consent or approval of the municipal assembly nor of any board other than the said board of estimate and apportionment shall be necessary to authorize the comptroller to issue such stock for the purposes of this act. Corporate stock of the city of New York shall also be issued in a similar manner whenever necessary in order to provide the means with which to make good damages to the library buildings or their contents caused by fire or otherwise; or in order to provide the means for repairs to or restorations of the said library buildings when authorized pursuant to the provisions of section two of this act; or in order to provide the original stock of books for any library building erected pursuant to this act.

Issue of
bonds to
carry out
provisions
of this act.

§ 3. This act shall take effect immediately.

Chap. 297.

AN ACT to amend the banking law, relative to reports of banks and trust companies.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," as amended by chapter three hundred and thirty-three of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 20. Reports.—Every corporation and individual banker subject to the provisions of this chapter shall make a written report to the superintendent of banks, in such form and containing such matters as he shall prescribe. In the case of a bank, trust company or individual banker, the superintendent shall, at least once in every three months, designate some day therein in respect to which the report shall be made. In case of a bank, individual banker or trust company each such report shall state, in addition to the matters prescribed by the superintendent of banks, the amount of deposits the payment of which, in case of insolvency, is preferred by law or otherwise over other deposits. The superintendent of banks shall prescribe the manner and form of making such statement. If a savings bank, or safe deposit company, such report shall be made semi-annually on or before the twentieth day of January and July in each year, and shall contain a statement of its condition on the mornings of the first days of January and July preceding. If a savings bank, such report shall state the amount loaned upon bond and mortgage, together with a list of such bonds and mortgages and the location of the mortgaged premises, as have not been previously reported, and also a list of such previously reported as have been since paid wholly or in part, or have been foreclosed, and the amount of such payments respectively; the cost, par value and estimated market value of all stock investments, designating each particular kind of stock; the amount loaned upon the pledge of securities, with a statement of the securities held as collateral for such loans; the amount invested in real

estate, giving the cost of the same, the amount of cash on hand and on deposit in banks or trust companies, and the amount deposited in each; and such other information as the superintendent may require. Such report shall also state all the liabilities of such savings corporation on the morning of the said first day of January and July; the amount due to depositors, which shall include any dividend to be credited to them for the six months ending on that day, and any other debts or claims against such corporation which are or may be a charge upon its assets. Such report shall also state the amount deposited during the year previous, and the amount withdrawn during the same period; the whole amount of interest or profits received or earned and the amount of dividends credited to depositors, together with the amount of each semi-annual credit of interest, and the amount of interest that may have been credited at other than semi-annual periods, the number of accounts opened or reopened, the number closed during the year, and the number of open accounts at the end of the year, and such other information as may be required by the superintendent. If a safe deposit company, such report shall contain such particulars as the superintendent may prescribe. If a co-operative loan association, or a building and mutual loan corporation, or a mortgage, loan or investment corporation, such report shall be made annually on or before February first in each year, and shall contain a statement of its condition on the first day of January preceding. The superintendent may, for good cause shown, extend the time for making any such report not exceeding thirty days. Every such report shall be verified by the oath of the president and cashier or treasurer of such corporation or by such individual banker, to the effect that the same is true and correct in all respects to the best of his knowledge and belief and that the usual business of such corporation or banker has been transacted at the location required by this chapter, and not elsewhere. The superintendent shall serve a notice designating the day in each quarter when a report shall be made upon each bank, trust company and individual banker required to report to him by delivering the same to some officer or clerk thereof at their respective places of business or by depositing the same in the post-office inclosed in a postpaid wrapper and properly directed to each of them, or some officer thereof, at their places of business respectively.

§ 2. Sections twenty-one and twenty-two of such act are hereby amended to read as follows:

§ 21. Penalties for failure to report.—If any bank or trust company or individual banker shall fail to make such report within ten days from the day designated for the making thereof, or to include therein any matter required by the superintendent, or if any savings bank shall fail to make such report within the time required by this chapter, or to include therein any matter required by the superintendent; every such delinquent bank, banker, savings bank or trust company shall forfeit to the people of the state the sum of one hundred dollars for every day that such report shall be delayed or withheld, and for every day that it shall fail to report any such omitted matter. Every other corporation subject to the provisions of this chapter which shall fail to make such report within the time herein required, or to include therein any matter required by the superintendent to be stated, shall forfeit to the people the sum of ten dollars for every day for which such report shall be delayed or withheld, and for every day that any such omitted matter may remain unreported. The moneys forfeited by this section, when recovered, shall be paid into the state treasury to be used to defray the miscellaneous expenses of the department. If any corporation or individual banker shall fail to make two successive reports as herein required, every such corporation shall forfeit its charter, and every such individual banker shall forfeit his privileges as such banker; and every such corporation or individual banker may be proceeded against and the affairs of such corporation closed, and such individual banker be restrained from continuance in business, in the same manner as an insolvent corporation or individual banker may be proceeded against. In case of the failure of any corporation or individual banker to make any report required of him by law, the superintendent shall immediately cause the books, papers and affairs of such corporation or banker to be examined as directed by section eight of this chapter.

§ 22. Publication of reports.—Within thirty days after any such report shall be made, the superintendent shall, with the exception of the reports made by savings banks, publish a summary statement thereof in a paper at Albany in which notices by state officers are required by law to be published, and the

separate report of each corporation and individual banker shall be published by such corporation or individual banker in at least one newspaper of the place where its principal place of business is located, if there be one; if not then in the newspaper published nearest where the bank or trust company is located. Such summary statement shall contain the items of capital, circulation, if any, and deposits, specie, and cash items, public securities and private securities and such other matters as may be necessary to inform the public as to the financial condition and solvency of any such corporation or banker, or which the superintendent may deem proper to include therein. In the publication of such statements, the superintendent shall arrange the individual bankers in a separate class, and specify the name and place of business of each, and the names and residences of the general partners.

§ 3. This act shall take effect immediately.

Chap. 298.

AN ACT to repeal chapter twenty of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the better administration of justice in the town of Mohawk, in the county of Montgomery, and state of New York," as amended.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the better administration of justice in the town of Mohawk, in the county of Montgomery, and state of New York," as amended by chapter six of the laws of nineteen hundred and four, is hereby repealed.

§ 2. This act shall take effect January first, nineteen hundred and six.

Chap. 299.

AN ACT to amend the Greater New York charter, relative to the powers of the board of estimate and apportionment.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine hundred and eighty of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 980. Commissioners to ascertain damages and benefit.—After hearing such testimony and considering such proofs as may be offered, the commissioners or a majority of them, all having considered the same, or having had an opportunity to be present, shall, without unnecessary delay, ascertain and estimate the compensation which ought justly to be made by the city of New York to respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises so required for the improvement; and make a just and equitable estimate and assessment, also, of the value of the benefit and advantage of such improvement to the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises not required for the said improvement, and prepare an abstract of their estimate and assessment. They shall not in making their estimate and assessment of the value of the benefit and advantage of the said improvement, be confined to any definite limit, but shall and are hereby authorized to extend such estimate and assessment to any and all such lands, tenements and hereditaments and premises as they may deem to be benefited by the improvement, and which they may judge expedient to include in their report in the premises. The board of estimate and apportionment may in any case determine whether any, and, if any, what proportion of the cost and expense thereof shall be borne and paid by the city of New York, and the remainder of such cost and expense shall be assessed upon the property deemed to be benefited

thereby. The determination or decision of said board as to the proportion of cost and expense to be borne and paid by the city of New York, and as to the proportion to be borne by the property benefited, after it shall have been made and announced, shall be final, and such determination or decision shall not be reopened or reconsidered by said board. In all proceedings instituted before December thirty-first, nineteen hundred and one, and now pending, in which no portion of the cost of such proceedings has been assumed by or placed upon the city of New York, the board of estimate and apportionment may by resolution direct that such proportion of the cost thereof as they in their discretion shall deem just and equitable, shall be borne by the city of New York. The said commissioners shall in no case assess any house, lot improved or unimproved lands, more than one-half the value of such house, lot, improved or unimproved land, as valued by them. It shall be lawful for the said commissioners, if they shall deem it just and equitable under the circumstances to do so, but not otherwise, to assess any part, not exceeding one-third part of the estimated value of any building or buildings taken in the proceeding, but not of any other improvement, upon the city of New York. If the said commissioners of estimate and assessment shall judge that any intended regulation will injure any building or buildings not required to be taken for the purpose of opening, extending, enlarging, straightening, altering, or improving such street or part of a street, they shall proceed to make, together with the other estimate and assessments required by law to be made by them, a just and equitable estimate and assessment of the loss and damage which will accrue, by and in consequence of such intended regulation, to the respective owners, lessees, parties and persons, respectively, entitled unto or interested in the said building or buildings so to be injured by the said intended regulation; and the sums or estimates of compensation and recompense for such loss and damage shall be included by the said commissioners in their report and included in the assessment for benefit.

§ 2. This act shall take effect immediately.

Chap. 300.

AN ACT to amend the village law, relative to the adoption of the town assessment-roll in certain villages.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and four of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-five of the general laws," is hereby amended to read as follows:

§ 104. **Annual assessment-roll.**—The assessors of a village shall, on or before the first Tuesday of June, if a village of the first or second class, and on or before the first Tuesday of May, if a village of the third or fourth class, prepare an assessment-roll of the persons and property taxable within the village in the same manner and form as is required by law for the preparation of a town assessment-roll. They shall also enter on such roll the names of all persons liable to a poll tax. The assessors of a village of the third or fourth class, included wholly within a town, and in any village wholly within a town where no assessors are elected or appointed, in such village the trustees acting as assessors, may, and upon the adoption of a proposition therefor at an annual election, shall adopt the assessment-roll of the town of the last preceding year as the basis of their assessment, so far as practicable. If such town roll be adopted the assessors shall copy therefrom a description of all real property of the village and the value thereof as the same appears thereon; also all personal property and the value thereof assessed on such town roll to residents of the village, or to corporations taxable therefor therein, together with the names of the persons or corporations, respectively, to which such real or personal property is or should be assessed. Where the town assessment-roll is adopted and the valuation of any taxable property can not be ascertained therefrom, or where the value of such property shall have increased or diminished since the last assessment-roll of the town was completed, or an error, mistake or omission on the part of

the town assessors shall have been made in the description or valuation of taxable property, the assessors shall ascertain the true value of the property to be taxed from the best evidence available.

§ 2. This act shall take effect immediately.

Chap. 301.

AN ACT authorizing the treasurer of the city of Utica to appoint a bookkeeper.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. City treasurer may appoint a bookkeeper, fix his salary, et cetera.—The treasurer of the city of Utica is hereby authorized to appoint a bookkeeper, who shall be paid an annual salary of not to exceed fifteen hundred dollars, payable monthly from the city fund, who, under the direction of the city treasurer, shall have charge and supervision of the books and accounts in the office of the city treasurer. His salary shall be fixed by the city treasurer but shall not exceed the aforesaid amount.

§ 2. His qualifications, to take oath of office, give security, et cetera.—Such bookkeeper shall be an expert accountant and before entering upon his duties, shall take and file the constitutional oath of office and execute and deliver to the city treasurer an undertaking in the form prescribed by law running to the city of Utica and in the penal sum of ten thousand dollars, with at least two sureties to be approved by the city treasurer. The city treasurer shall endorse on the undertaking his approval of the sureties therein named and file the said undertaking in the office of the city clerk within ten days thereafter. Such appointment shall be in writing under the hand of the city treasurer and filed in the city clerk's office. Such appointment and the giving of such undertaking shall not affect or impair any bond, undertaking or security required to be given by the city treasurer to

the city of Utica or the town of Utica or to any of the officers of said city or town.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 302.

AN ACT to authorize the New York state convention of Universalists to sell and convey property owned by it on Hoffman street in the borough of the Bronx, in the city of New York.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The New York state convention of Universalists is hereby authorized and empowered to sell and convey all of the real estate now vested of record in it, and situated on Hoffman street, in the borough of the Bronx, in the city of New York, regardless of any restriction in its charter or in any other act, which might be interpreted to require the same to be held for twenty years from the date of vesting of the title thereto in said convention. The proceeds of said sale shall be held by said convention in the place and stead of said real estate, as an equivalent asset therefor.

§ 2. This act shall take effect immediately.

Chap. 303.

AN ACT to amend the public health law, in relation to the relief of indigent Indians in case of epidemic.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the

general laws," is hereby amended by adding a new section to be section thirty-a, and to read as follows:

§ 30-a. **Relief of indigent Indians in case of epidemic.**—Whenever an epidemic of a contagious or infectious disease shall prevail among the Indians of any nation, tribe or band in this state, the overseer of the poor of any town in which the reservation of such nation, tribe or band, is wholly or partly situated, may in accordance with rules and regulations adopted by the state commissioner of health, cause needed medical attendance, provisions and maintenance to be furnished to any indigent Indian residing in the town, who, or a member of whose family, is afflicted with such disease while such disease shall continue; and the cost thereof after being audited as herein provided shall be a state charge. A verified statement of any expenses incurred under this section shall be transmitted by the overseer of the poor to the state commissioner of health. Such commissioner shall examine into the matter, and if satisfied that such expenses were properly and necessarily incurred in accordance with the rules and regulations of the state commissioner of health, shall audit and allow the same, and when so audited, the amount thereof shall be paid by the state treasurer on the warrant of the comptroller to such overseer of the poor.

§ 2. This act shall take effect immediately.

Chap. 304.

AN ACT to amend the code of civil procedure, in relation to the fees of constables and deputy sheriffs in Ontario county.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-three hundred and twelve of the code of civil procedure, as amended by chapter one hundred and sixty-two of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 3312. A constable or a deputy sheriff is entitled, for attending a sitting of a court of record, pursuant to a notice from the sheriff, to the following fees: For each day's actual attendance, in

Fees for
attending
courts of
record.

any county in the state, two dollars, except that in the counties of Albany, Wyoming, and Genesee the compensation shall be three dollars, and mileage as allowed by law to trial jurors in courts of record, and except also in the county of Westchester, where the compensation shall be three dollars per day, and except also that in the counties of Orange, and Ontario the board of supervisors may allow to such constables and deputy sheriffs for attending a sitting of a court of record pursuant to such notice not exceeding three dollars per day and mileage as aforesaid. Those fees must be paid by the county treasurer, upon the production of the certificate of the clerk, stating the number of days that the constable or deputy sheriff attended. But the provisions of this section shall not be applicable to the counties of Kings, New York and Erie. All other acts or sections of acts conflicting herewith are hereby repealed.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 305.

AN ACT to amend the Greater New York charter, relative to the classification and instruction of criminals and misdemeanants.

Accepted by the city.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and ninety-eight of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one and amended by chapter six hundred and twenty-seven of the laws of nineteen hundred and four, is hereby amended so as to read as follows:

§ 698. It shall be the duty of the commissioner to cause all the criminals and misdemeanants under his charge to be classified so far as practicable, so that youthful and less hardened offenders shall not be rendered more depraved by the association with and evil example of older and more hardened offenders. The commissioner may establish and maintain such schools or

Criminals
and misde-
meanants,
classifica-
tion of;
instruction
and train-
ing of.

classes for the instruction and training of the inmates of the institution under his charge, as may be authorized by the board of estimate and apportionment. And to this end the commissioner may set apart one or more of the penal institutions for the custody of such youthful and less hardened offenders, and said commissioner shall have the power, in his discretion, to transfer such offenders thereto and from any other of the penal institutions of the city and when so transferred to classify such offenders so far as practicable with regard to age, nature of offense, or other fact, and to separate or group such offenders according to such classification, so far as practicable. The institution now established for youthful offenders on Hart's island, in the City of New York, by the department of correction of said city, shall be continued and shall be known, after the first day of January, nineteen hundred and five, as "the New York city reformatory of misdemeanants," and such other buildings and appurtenances may from time to time be built or used for the purposes herein mentioned, as may be authorized by the board of estimate and apportionment. After January first, nineteen hundred and five, any male person between the ages of sixteen and thirty, who after conviction by any magistrate or any court of or in the City of New York of any charge, offense, misdemeanor or crime, other than a felony, shall in the discretion of such magistrate or court be a proper subject for reformatory treatment, may be committed to said New York city reformatory for misdemeanants and in order that such person may have the full benefit of the reformatory and educative influences of said institution any aforesaid magistrate or court imposing sentence shall not fix or limit the duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the board of parole of said reformatory as authorized by this act; but such imprisonment shall not exceed the term of three years. The commissioner of correction of the City of New York, a justice of the court of special sessions of the City of New York, of the first division, a justice of the court of special sessions of the City of New York, of the second division, a city magistrate of the City of New York, of the first division, a city magistrate of the City of New York, of the second division, and four other persons to be appointed by the mayor of the City of New York shall constitute a board of parole of the said New

Commitments to reformatory.

Term of imprisonment.

Board of parole, members and appointment of.

York city reformatory for misdemeanants. The said board of parole shall serve without compensation and shall be appointed or selected as follows: Within sixty days after the passage of this act the mayor shall appoint the four persons above referred to who shall hold office until the first day of February, nineteen hundred and six, but who shall be removable at any time at the pleasure of the mayor. Within sixty days after the passage of this act, the justices of the court of special sessions, of the first division, shall meet and elect one of their number to be a member of said board of parole by a vote of a majority of all of the said justices which said election shall be evidenced by the certificate of the clerk of the said court filed in the office of the clerk of the City of New York. Within sixty days after the passage of this act, the justices of the court of special sessions of the second division, and the city magistrates of the first division and the city magistrates of the second division shall meet and in like manner shall elect one of their number to be a member of the aforesaid board of parole. The election to membership upon said board of parole of a justice of the court of special sessions of the second division shall be evidenced by the certificate of the clerk of said court filed in the office of the clerk of the City of New York, and the election of a city magistrate of each division to be a member of said board of parole shall be evidenced by the certificate of the clerk of the boards of city magistrates of the first and second divisions respectively filed in the office of the clerk of the City of New York. Each of said justices and city magistrates shall serve upon said board of parole until February first, nineteen hundred and six, or until his successor is elected. In the month of January, nineteen hundred and six, the successors of the nine persons above referred to shall be appointed or elected in the manner above set forth as the case may be, and shall take office on the first day of February, nineteen hundred and six, and shall serve until the first day of February following, and thereafter the above-mentioned members of the board of parole shall be annually appointed or elected as the case may be in the month of January in each year, and serve until the first day of February of the following year or until their successors are appointed or elected. The person who at any time is the commissioner of correction of the City of New York shall by virtue of his office be a member of said board of

parole. The board of parole of said reformatory shall have the power to parole and discharge any inmate of such institution and shall make rules not inconsistent with law:

Powers of board to parole inmates and to make rules.

1. Prescribing the conditions under which the inmates may be discharged, paroled or conditionally released;

2. Regulating the retaking and reimprisonment of such inmates.

Such rules shall be adopted by the resolution of the board of parole passed at a meeting thereof, at which a majority of its members shall be present. All rules adopted and enforced shall be printed and a copy thereof distributed to each officer, employee and inmate of said reformatory. The board of parole of such reformatory shall adopt a uniform system by means of which shall be determined the conduct and merit of each inmate sentenced to such reformatory, as the condition of increased privileges, or of release from their control, which system shall be subject to revision from time to time. Each inmate shall be credited for good personal demeanor, diligence in labor and study, development of character, and for the results accomplished and be charged for dereliction, negligence and offenses. Each inmate's standing in merit and conduct shall be made known to him as often as once in each month. The board of parole shall make rules by which each inmate shall be permitted to see and converse with some member of the board of parole at stated periods. When it appears to the board of parole that there is a strong or reasonable probability that any inmate will remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, they shall issue to such inmate an absolute release or discharge from imprisonment. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case. If through oversight or otherwise a person be sentenced to imprisonment in the reformatory for a definite period of time, such sentence shall not, for that reason be void, but the person so sentenced shall be entitled to the benefits and subject to the liabilities of this act, in the same manner and to the same extent as if such sentence had been made for an indefinite period of time in the manner provided by the penal code. The board of parole may appoint and at pleasure remove suitable persons in any part of the state who shall supervise paroled inmates and

Rules, adoption of.

Record of conduct of inmates, report of.

Discharge of inmates.

Persons sentenced for definite period, rights of.

perform such other lawful duties as may be required of them by such board. Such persons shall be subject to the direction of the board. They may be paid a reasonable compensation for their services and expenses, to be fixed in the manner provided by law, which said sum or sums shall be a charge upon and paid from the funds of or to the credit of the said reformatory. The comptroller of the City of New York shall from time to time, when authorized by the board of estimate and apportionment, and without the concurrence or approval of any other board or public body, prepare and issue corporate stock of the City of New York for the purpose of providing for and paying out such sums of money as may be necessary to establish and maintain the said reformatory in accordance with the provisions of this act. Nothing in this act contained shall be deemed in any manner to change or impair any of the provisions of the penal code or of the code of criminal procedure, the intent of this act being to confide to the discretion of the magistrates and courts of or in the City of New York, after the first day of January, nineteen hundred and five, the right to commit male persons between the ages of sixteen and thirty, as hereinbefore set forth, to the said reformatory. The board of estimate and apportionment of the City of New York may annually appropriate such money as it deems proper to carry out the purposes of this section, and for the purpose of meeting such appropriation for the year nineteen hundred and five the said board of estimate and apportionment may direct the comptroller of the city to issue the necessary revenue bonds.

§ 2. This act shall take effect immediately.

Chap. 306.

AN ACT requiring the stanchions, deck beams and frames to be of iron or steel, in all steam vessels and barges hereafter constructed, engaging in excursions from cities having a population of one million inhabitants or over.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall apply to all barges and steam vessels engaging in excursions upon routes within a radius of forty-five

Expense of
maintain-
ing reform-
atory,
comptroller
to issue
corporate
stock for.

Act
continued.

Application
of this act.

miles from cities having a population of one million inhabitants or over.

§ 2. All barges and steam vessels to which this act is applicable, which shall hereafter be constructed shall be so constructed that the stanchions thereof and the deck beams and frames shall be of iron or steel. Barges and steam vessels, construction of.

§ 3. The navigation or use of a steam vessel or barge carrying passengers on excursions within this state, hereafter constructed in violation of the provisions of this act, shall be deemed a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment not to exceed two years, or by both such fine and imprisonment; and it shall be the duty of the district attorney of the county in which such violation occurs to prosecute the owner and master of such steam vessel or barge. Penalties for violation of this act.

§ 4. The term master used in this act includes every person having for the time the charge, control or direction of a vessel or barge. "Master" defined.

§ 5. This act shall not be construed to repeal any existing law now applicable to any steam vessel or barge or any existing law now applicable to the construction thereof, and shall not apply to barges or steam vessels now in process of construction. Act construed.

§ 6. This act shall take effect immediately.

Chap. 307.

AN ACT to extend the time of the Watertown and Carthage traction company to complete the construction of its road and extensions, and put the same in operation.

Became a law, April 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The time of the Watertown and Carthage traction company incorporated for the purpose of constructing a street surface railroad and extensions thereof, in which to complete the construction of its road and extensions and put the same in operation is hereby extended to the first day of July, nineteen hundred and seven.

§ 2. This act shall take effect immediately.

Chap. 308.

AN ACT to amend chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-five, entitled "An act to consolidate the Albany city dispensary with the Albany city homeopathic hospital" to enlarge the power of the hospital to take and hold property.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-five is hereby amended to read as follows:

Trustees
consolidated
corporation,
powers and
liabilities
et.

§ 4. The present board of trustees of the Albany city homeopathic hospital are hereby constituted trustees of the consolidated corporation. Said trustees shall be capable in law, under the name of said corporation of receiving, purchasing and holding, mortgaging, conveying or otherwise disposing of any real and personal estate for the use and benefit of said corporation not to exceed three hundred thousand dollars, which estate shall be exempt from taxation. Said trustees shall possess all the powers, and be subject to all the liabilities prescribed by the third title of the eighteenth chapter of the first part of the revised statutes; they and such other persons as shall or may hereafter associate with them in such manner and upon such terms as shall be specified in the by-laws of said corporation, shall transact all the business affairs of the corporation, appoint all the necessary physicians and surgeons, and all other employees, determine the compensation of each, and discharge them whenever it shall be deemed expedient to do so; they shall make all needful rules and regulations for the proper government, conduct and management of said hospital and dispensary, and fix the terms for board and care, and for medical and surgical treatment, upon which all patients who are able to pay therefor shall be entitled to be admitted thereto.

§ 2. This act shall take effect immediately.

Chap. 309.

AN ACT to amend the canal law, constituting chapter thirteen of the general laws, relative to division and resident engineers and assistants.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-one of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four, entitled "An act relating to canals, constituting chapter thirteen of the general laws," is hereby amended so as to read as follows:

§ 51. Division and resident engineers and assistants.—Each engineer and appointee mentioned in this section shall take and file with the secretary of state the constitutional oath of office. The division and resident engineers, before entering on the duties of their offices, must execute an official undertaking in a sum not exceeding twenty thousand dollars, to be fixed by the comptroller. But one division engineer and one resident engineer shall be employed on each division of the canals. The persons appointed to assist the division and resident engineers shall be classed as assistant engineers, levelers, rodmen and chainmen. The state engineer shall file with the comptroller a statement of all such appointments, containing the name of the appointee, the nature of his duties, the daily compensation to be paid him and the term of his employment.

§ 2. This act shall take effect October first, nineteen hundred and five.

Chap. 310.

AN ACT to amend the military code relative to relief from civil or criminal liability, security for and award of costs.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act

in relation to the militia, constituting chapter sixteen of the general laws," is hereby amended so as to read as follows:

§ 14. **Relief from civil or criminal liability; security for costs.**—Members of the militia ordered into the active service of the state by any proper authority, shall not be liable civilly or criminally, for any act or acts done by them while on duty. When an action or proceeding of any nature shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this chapter, or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person instituting or prosecuting the action or proceeding, to file security for the payment of costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give the special matter in evidence. A defendant, in whose favor a final judgment is rendered in an action or a final order is made in a special proceeding, shall recover treble costs.

§ 2. This act shall take effect immediately.

Chap. 311.

AN ACT to amend the compulsory education law regarding the powers and duties of attendance officers.

Became a law, April 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of title sixteen of the consolidated school law is hereby amended as follows:

§ 8. **Arrest of truants.**—The attendance officer may arrest without warrant any child between eight and sixteen years of age found from his home, and who then is a truant from instruction upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver the child so arrested either to the custody of a person in parental relation to the child, or of a teacher from whom such child is

then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment by him to a truant school as provided for in the next section. The attendance officer shall promptly report such arrest, and the disposition made by him of such child to the school authorities of the said city, village or district where such child is lawfully required to attend upon instruction or to such person as they may direct. A truant officer in the performance of his duties may enter, during business hours any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of children employed or the employment certificate of such children shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 312.

AN ACT to amend the forest, fish and game law, in relation to the placing of carp in certain waters.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-seven of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as added by chapter five hundred and eighty-three of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 67. Carp not to be placed in Conesus, Keuka and Hemlock lakes, counties of Livingston, Yates and Steuben. No person shall put or place in the waters of Conesus lake, Keuka lake and Hemlock lake, in the counties of Livingston, Yates and Steuben, or in any

waters inhabited by trout, any fish commonly known as carp, nor shall any person put or place in such waters the spawn of such fish, or use such fish as bait in the waters thereof.

§ 2. This act shall take effect immediately.

Chap. 313.

AN ACT to amend the forest, fish and game law, in relation to taking fish through the ice in the town of North East, Dutchess county.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-nine of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapters two hundred and thirty-two, two hundred and ninety-two, five hundred and eleven of the laws of nineteen hundred and two, and chapter four hundred and forty-four of the laws of nineteen hundred and three," is hereby amended to read as follows:

§ 59. **Exceptions to last section.**—Bullheads, catfish, eels, perch and sunfish, and, except during the months of March and April, pickerel may be taken through the ice with a hook and line or tip-ups, in Lake Keuka or Crooked lake, Queechy lake, or the waters of Sullivan and Greene counties, not inhabited by trout, except tip-ups cannot be used in Masten lake or in ponds in the town of Smithville, and in Lake Neahtahwanta, Oswego county; in Owasco lake from the head thereof to a line running across the lake from a ravine just south of the cottage now owned by E. C. Pulver, on the west shore to the ravine just north of the cottage now owned by James Foster on the east shore thereof; in that portion of Canandaigua lake beginning at the edge of the swamp on the west shore of the head of the lake, and running thence northerly along the west shore about one hundred rods to Hazel Dell cabin, thence southeasterly across the lake to a buttonwood tree just north of the large land slide, and about forty rods north of the Sunny Side

dock, thence southerly along the west shore of the lake, to the edge of the swamp, thence westerly, following the edge of the swamp to the place of beginning; and in Honeoye lake, Canadice lake and Conesus lake except in March and April; and by set lines through the ice in the Susquehanna river and in the Chenango and Unadilla rivers and their tributaries in Chenango county and in the Tioughnioga and Otselic rivers in Broome county during the same time.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT to amend the forest, fish and game law, in relation to pike in the counties of Oneida, Madison, Oswego and Onondaga.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-seven of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 47. Pickerel and pike.—Pickerel and wall-eyed and yellow pike shall not be taken or possessed from March first to April thirtieth, both inclusive, provided that during the close season any person may buy, possess or sell pickerel or pike taken without the state if such person shall have a license from the commission so to do, issued after giving a bond to the people of the state, approved by the commission, conditioned for the payment of the sum of five hundred dollars if such person shall while the license is in force, buy, possess or sell any pickerel or pike taken within the state, or shall at any time refuse or deny to the commission or any member or officer thereof, a full examination of his books and papers relating to the purchase and sale of fish, or shall at any time when required by the commission, fail to furnish the original invoice or invoices, freight or express receipts

used in the transportation thereof upon delivery to such person; and provided further that any person purchasing during the close season of a dealer giving such bond, may possess the same. The commission may permit the taking or destruction of pickerel at any time in waters inhabited by trout. Wall-eyed and yellow pike, less than ten inches in length, shall not be taken or possessed in the counties of Oneida, Madison, Oswego and Onondaga, except in the waters of Lake Ontario.

§ 2. This act shall take effect immediately.

Chap. 315.

AN ACT to amend the forest, fish and game law, relative to the close season for deer in certain counties.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter one hundred and sixteen of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 3. Deer; close season; special.—There shall be no open season for wild deer in the counties of Columbia, Delaware, Dutchess, Greene, Oswego, Putnam, Rensselaer, Rockland, Westchester and Ulster, and in all that portion of Oneida, Lewis and Jefferson counties lying westerly of the Utica and Black river railroad from Utica to Ogdensburg before September first, nineteen hundred and seven. The close season for wild deer in the counties of Sullivan and Orange shall be from November sixteenth to October thirty-first, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 316.

AN ACT to amend the forest, fish and game law, relative to the close season for squirrels in certain counties.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve-a of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as inserted by chapter six hundred and six of the laws of nineteen hundred and one, and amended by chapter one hundred and sixty-one of the laws of nineteen hundred and two, chapter four hundred and seventy-five of the laws of nineteen hundred and three and chapter five hundred and seventy-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 12-a. **Black and gray squirrels; special.**—The close season for black and gray squirrels in Greene county shall be from December sixteenth to September thirtieth, and in Rensselaer, Sullivan and Dutchess counties, from December first to September thirtieth, both inclusive, in Orange county from December sixteenth to October fifteenth, both inclusive, Chautauqua county from December first to October fifteenth, both inclusive, and in Saratoga county from November first to September fifteenth, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 317.

AN ACT to amend the forest, fish and game law, in relation to the close season for grouse, woodcock and quail in certain counties.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-three-a of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of

the forest, fish and game of the state, constituting chapter thirty-one of the general laws," as added by chapter five hundred and seventy-eight of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 23-a. Woodcock; close season; special.—Woodcock shall not be taken in the counties of Greene, Tioga, Sullivan and Dutchess, from December first to September thirtieth, both inclusive.

§ 2. Section twenty-six of such chapter, as amended by chapter six hundred and eleven of the laws of nineteen hundred, chapter six hundred and six of the laws of nineteen hundred and one, chapter three hundred and fifty-six of the laws of nineteen hundred and two, chapter five hundred and twenty of the laws of nineteen hundred and three, and chapter five hundred and seventy-eight of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 26. Grouse; close season; special.—Grouse shall not be taken in the counties of Sullivan, Greene, Tioga and Dutchess, from December first to September thirtieth, both inclusive. There shall be no open season for grouse in the county of Westchester, prior to the year nineteen hundred and five.

§ 3. Section twenty-seven-a of such chapter, as added by chapter five hundred and eighteen of the laws of nineteen hundred and three, and amended by chapters five hundred and seventy-eight and five hundred and seventy-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 27-a. Grouse, woodcock and quail, certain counties.—The close season for grouse, woodcock and quail shall be in the county of Rensselaer from December first to September thirtieth, both inclusive, and in the counties of Orange and Ulster from December sixteenth to October fifteenth, both inclusive; and in the counties of Cattaraugus and Chautauqua from December first to October fifteenth, both inclusive. The close season for grouse and woodcock in Saratoga county shall be from November first to September fifteenth, both inclusive. There shall be no open season for woodcock, grouse and quail in the county of Schenectady prior to the year nineteen hundred and six.

§ 2. This act shall take effect immediately.

Chap. 318.

AN ACT to amend the forest, fish and game law, in relation to penalties.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-nine of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter seven hundred and forty-one of the laws of nineteen hundred, as amended by chapter five hundred and thirty-three of the laws of nineteen hundred and three, and as amended by chapter five hundred and eighty of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 39. Penalties.—A person who violates any provision of this article is guilty of a misdemeanor, and is liable to a penalty of sixty dollars and to an additional penalty of twenty-five dollars for each bird, or quadruped or part of bird or quadruped bought, sold, offered for sale, taken, possessed, transported or had in possession for transportation in violation thereof.

§ 2. This act shall take effect immediately.

Chap. 319.

AN ACT to amend the forest, fish and game law, in relation to the protection of land turtles and wild black bear.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article one of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended by inserting therein a new section to be known as section fifteen-a, and to read as follows:

§ 15a. Land turtles.—Taking, killing or exposing for sale of all land turtles or tortoises, including the box turtle and the wood turtle, is hereby prohibited.

§ 2. Section sixteen of such chapter, as amended by chapter six hundred and seventy-four of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 16 Penalties.—A person who violates any provision of this article is guilty of a misdemeanor, and in addition thereto, is liable as follows: For each violation of sections one to eleven, both inclusive, to a penalty of one hundred dollars, and for each deer, elk, caribou, antelope, or part of any such animal taken or possessed in violation of any provision of any of said sections, an additional penalty of one hundred dollars; for each wild moose or part of such animal taken or possessed in violation of any provision of said sections, an additional penalty of two hundred and fifty dollars; for each wild black bear taken or possessed in violation of section eleven-a, a penalty of fifty dollars; for each violation of section twelve, to a penalty of twenty-five dollars, and for each squirrel or part thereof taken or possessed in violation of said section, an additional penalty of ten dollars; for each violation of section thirteen, a penalty of twenty-five dollars, and for each rabbit taken or possessed in violation of such section, an additional penalty of ten dollars; for each beaver taken in violation of section fourteen to a penalty of one hundred dollars; for each violation of section fifteen, to a penalty of twenty-five dollars; and for each violation of section fifteen-a to a penalty of ten dollars. A person failing to file a report with the forest, fish and game commission of killing or taken* of a wild black bear under provision of section eleven-a shall be liable to a penalty of twenty-five dollars. A person convicted of a misdemeanor for a violation of section eleven of this article shall be punished by imprisonment for a term of not less than three months nor more than one year.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 320.

AN ACT to amend chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five entitled "An act relating to membership corporations constituting chapter forty-three of the general laws" in respect to christian associations, as amended by chapter five hundred and forty-one of the laws of nineteen hundred, and by chapter four hundred and sixty-nine of the laws of nineteen hundred and one.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of article one of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five constituting chapter forty-three of the general laws is hereby amended so as to read as follows:

§ 10. Directors and trustees.—The directors of a membership corporation other than those named in its certificate of incorporation, shall be elected from among the members, by the members and by such other persons as are authorized, by or in pursuance of law, to vote therefor. If a vacancy in the office of director of a membership corporation created under or by a general or special law, shall not be filled within six months after it occurs, either for want of a by-law or other provision for filling the same; or if, by reason of the absence, illness or other inability of one or more of the remaining directors, a quorum of the board of directors cannot be obtained, the remaining directors of such corporation, or a majority of them, may appoint a member of such corporation to fill such vacancy, and such appointment filed in the office of the clerk of the county in which such corporation is located, shall constitute such person a director of such corporation, until the next annual election of the directors. A membership corporation except a Young men's christian association may file in the offices in which its certificate of incorporation is filed, a supplemental certificate designating not less than five nor more than fifteen of its directors to be the trustees of its property until the next annual meeting, and may by by-laws confer on such trustees any of the powers, duties or obligations of the directors of such corporation in relation

to the care, custody or management of such property. At each annual meeting of the corporation thereafter the members thereof shall designate successors to the trustees in office.

§ 2. Section ninety of article seven of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five constituting chapter forty-three of the general laws as amended by chapter five hundred and forty-one of the laws of nineteen hundred is hereby amended so as to read as follows:

§ 90. Certificate of incorporation.—Twenty or more men, may become a Young men's christian association and twenty or more women may become a Young women's christian association, for the purposes of improving the spiritual, mental, social and physical condition of young men, or of young women, as the case may be, by making, acknowledging and filing a certificate stating the particular objects for which the corporation is to be formed and the qualifications required for active membership; which objects and qualifications in the case of Young men's christian associations shall conform to the general rules and regulations of and shall be approved by the state executive committee of the Young men's christian associations of this state by the certificate of its chairman endorsed thereon; the name of the proposed corporation; the town, village or city in which its principal office is to be located; the number of directors, not less than three nor more than thirty; the names and places of residence of the persons to be its directors until the first annual meeting; the times for holding its annual meetings; and the names of six trustees, each of whom shall be a member of some Protestant evangelical denomination, and not more than two of whom shall be members of any one denomination, and shall be divided into three classes to hold office for one, two and three years respectively or until their successors are elected by the board of directors. Such certificate shall not be filed without the approval of a justice of the supreme court indorsed thereupon or annexed thereto. On filing such certificate, in pursuance of law, the signers thereof, their associates and successors shall be a corporation in accordance with the provisions of such certificate.

§ 3. Section ninety-two of article seven of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five constituting chapter forty-three of the general laws, as added

by chapter five hundred and forty-one of the laws of nineteen hundred is hereby amended so as to read as follows:

§ 92. **Dissolution.**—Whenever any association formed under the provisions of this article shall cease to carry out the objects set forth in its certificate of incorporation, according to the general rules and regulations of the state executive committee of Young men's christian associations of this state, or shall abandon or discontinue for one year the use of any of its property for such objects, then upon the application of a majority of the managers or directors of such association upon fourteen days' notice to said state executive committee by service thereof upon its chairman and secretary or in the event of their failure to act, upon the application of the said state executive committee of Young men's christian associations of the state of New York, by petition signed by a majority of the members of the said state executive committee and verified by its chairman, to be made upon fourteen days' notice to be given to such association by service thereof upon its president, or any director or manager thereof, and upon one of the trustees thereof, and upon notice to the attorney-general of the state of New York, the supreme court, upon satisfactory proof by affidavit or otherwise of the fact of such failure or abandonment, must make a final order dissolving such corporation, and upon the entry thereof, the corporation shall be dissolved, and upon such dissolution the state executive committee of the Young men's christian associations of the state may take possession of the property belonging to such association and manage the same, or may if authorized by the concurring vote of two-thirds of its members sell or lease the same and apply the proceeds thereof after the payment of the debts, if any, of the association so dissolved, to any like purposes for which the association was organized; and it shall not divert such property to any other purpose.

§ 4. Section ninety-three of article seven of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five constituting chapter forty-three of the general laws as added by chapter four hundred and sixty-nine of the laws of nineteen hundred and one is hereby amended so as to read as follows:

§ 93. It shall be lawful for any Young men's christian association incorporated prior to the taking effect of chapter five hundred and one of the laws of eighteen hundred and eighty-seven,

Election of
additional
directors;
number of
directors
and
trustees.

entitled "An act for the incorporation of Young men's christian associations," at any annual meeting or any special meeting called as provided by the by-laws of said association, to elect additional directors so that the total number of its directors shall be not more than thirty, and in addition to said directors to elect six trustees, each of whom shall be a member of some Protestant evangelical denomination, and not more than two of whom shall be members of any one denomination, and shall be divided into three classes to hold office for one, two and three years respectively or until their successors are elected by the board of directors. The trustees so elected, and their successors, shall be a board of trustees thereof and hold and control the real property of the corporation and all gifts and bequests of money to be held in trust. They shall pay the income of such property to the treasurer of the corporation so long as the income shall be expended by the directors thereof for the purposes for which it was formed. The real property of such corporation shall not be liable for any debt or obligation contracted after the creation of such board of trustees without the approval of said board of trustees. In all proceedings for the purchase, sale, mortgage, and lease of real property, the board of trustees of such corporation shall act as the board of directors thereof. After the creation of said board of trustees the directors of such corporation shall have the management and control of its property and affairs, except as such management and control is given by law to the board of trustees thereof.

§ 5. This act shall take effect immediately.

Chap. 321.

AN ACT to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York and directing the comptroller to make such assessments accordingly.

Accepted by the city.

Became a law, April 24, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the sinking fund of the city of New York are hereby authorized and empowered, in their

discretion, and in such terms as they deem proper, to cancel and annul any and all assessments affecting property in the city of New York now belonging, or now leased by the city of New York, to the Hahnemann Hospital of the city of New York; and the comptroller of the city of New York is hereby directed to make such assessments upon the assessment books of the city of New York in accordance with the determination of the said commissioners.

§ 2. This act shall take effect immediately.

Chap. 322.

AN ACT to amend chapter thirty-five of the laws of nineteen hundred and two, entitled "An act creating a city court in and for the city of Poughkeepsie, New York."

Accepted by the city.

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter thirty-five of the laws of nineteen hundred and two, entitled "An act creating a city court in and for the city of Poughkeepsie, New York," is hereby amended to read as follows:

§ 2. Appointment of city judge et cetera.—The city judge of the city of Poughkeepsie shall be appointed by the mayor. The term of office of said city judge shall be for four years, and his salary shall be the sum of fifteen hundred dollars per annum to be audited, allowed and paid by the common council; and no person shall be appointed such city judge, who shall not be an attorney and counsellor-at-law admitted to practice in the several courts in this state. Immediately after the passage of this act, the mayor shall make and file the appointment of such city judge whose term of office shall continue until and including the last day of December, nineteen hundred and five, when the vacancy shall be filled as hereinbefore provided. The city court so created shall have, subject to the limitations of this act, jurisdiction of civil and criminal actions and proceedings in said city. The mayor of the city shall have and retain all powers conferred upon

him by law. The appointment of said city judge so made as provided by this act shall not be revoked. The said city judge shall only be removed from office as provided by law for removal of justices of the peace in towns.

§ 2. Section four of said act is hereby amended to read as follows:

§ 4. Appointment of clerk et cetera.—The city judge is authorized and empowered to appoint a clerk, who shall be known as the "clerk of the city court," and whose salary shall be the sum of seven hundred and fifty dollars per annum, to be audited, allowed and paid by the common council; and no person shall be appointed such clerk who shall not be an attorney and counsellor-at-law admitted to practice in the several courts of the state.

§ 3. Section five of said act is hereby amended to read as follows:

§ 5. Duties of court clerk.—The clerk shall have the power to take informations upon which warrants for the arrest of persons charged with the commissions* of a crime may be issued by the said city judge. The clerk shall also have the power to issue and sign subpoenas, to administer oaths to witnesses, to make and sign transcripts of judgments, executions, commitments and certificates of conviction and all temporary commitments upon adjournments, and to certify to, and sign copies thereof for the execution of any judgments or convictions rendered in said city court. And in the absence and disability of the said city judge all the power and authority conferred on said city judge by law is conferred upon said clerk, except he shall not have power to issue warrants of arrest, or hear or try and determine civil or criminal causes. He shall also have the power to make, sign and certify all returns on appeals taken from said city court, either civil or criminal; and shall also have the power to appear before any court of civil or criminal jurisdiction to give evidence in relation to the records or proceedings of said city court. The clerk shall have the power to issue and sign summons and precepts in all cases of which the city court has jurisdiction, but he shall not issue or sign any warrants or order of arrest in a civil action, or any warrant of attachment or any requisition in replevin. All penalties in criminal cases, and all costs in civil cases shall be paid to the clerk, who shall keep an itemized account of the same.

*So in original.

It shall be the further duty of the said clerk to pay into the city treasury once in each month all penalties and costs received by him during the previous month. At the time of paying such money into the city treasury the clerk shall also file with the city chamberlain an itemized account thereof, which shall be filed by said city chamberlain, and known as the "monthly report" of the city court. The clerk of the city court shall give a bond to the city for the faithful performance of his duties in an amount to be fixed by the common council.

Chap. 323.

AN ACT to amend chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to enable Conrad Poppenhusen to found an institution in the village of College Point."

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to enable Conrad Poppenhusen to found an institution in the village of College Point," as amended by chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 4. The affairs of said association shall be conducted by a board of control consisting of eight members, to be designated by the numbers one, two, three, four, five, six, seven and eight respectively, and to be constituted as follows, namely: The member of the said board designated as number one, shall be the eldest male descendant of Conrad Poppenhusen, of full age, residing in the state of New York, and in case of his death, resignation, or refusal to serve, then the next eldest male descendant of the said Conrad Poppenhusen of full age, residing in said state. The members designated as numbers two and three, shall be residents of such portion of The City of New York as formerly comprised the village of College Point. Said member number

Board of control, members, number and qualifications of.

two shall be appointed by the chairman for the time being of the local school board for the district in which the principal operations of said association are conducted, and shall hold office for the term of five years, and until his successor be chosen. Said member number three shall be appointed by the alderman for the time being representing that aldermanic district of The City of New York in which the territory formerly composing the village of College Point is situate, and shall hold office for the term of five years, and until his successor be chosen. The member designated as number four shall be some suitable and proper person residing in that portion of the borough of Queens, in The City of New York, which formerly comprised the town of Flushing, and shall be appointed by a justice of the supreme court in and for the second judicial department. The members of said board designated by the numbers five, six, seven and eight shall be elected and appointed by the person acting as the member number one of the said board as aforesaid.

§ 2. Section sixteen of said chapter as amended by chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 16. The said board of control shall annually, in the month of January, transmit to the city superintendent of schools of the city of New York, a full report of all its receipts and disbursements during the year ending on the thirty-first day of December next preceding, and of the progress and condition of the institution, and shall also transmit a duplicate copy of the said report to the legislature, when next in session, and shall at all times furnish any further information in respect to their funds, revenues and course of instruction which the legislature or the regents of the university may require.

§ 3. Nothing in this act contained shall be construed to affect the terms of office of any person now serving as a member of the board of control of said association.

§ 4. This act shall take effect immediately.

Report of
board of
control.

Terms of
present
members of
board of
control not
affected by
this act.

Chap. 324.

AN ACT to amend the religious corporations law, relative to the removal of remains from cemeteries and church grounds.

Became a law, April 25, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to religious corporations, constituting chapter forty-two of the general laws," is hereby amended to read as follows:

§ 8. Removal of human remains from one cemetery of a religious corporation to another cemetery owned by it.—A religious corporation, notwithstanding the restrictions contained in any conveyance or devise to it, may remove the human remains buried in a cemetery owned by it, or when such church corporation is situated outside of a city in the grounds surrounding the church belonging to such corporation, to another cemetery owned by it, or to a plot or lot acquired by it in any other cemetery located in the same town, if the trustees thereof so determine, and if either three-fourths of the members of such corporation, qualified to vote at its corporate meetings, sign and acknowledge and cause to be recorded in the office of the clerk of the county in which such cemetery or a part thereof is situated, a written consent thereto, or if three-fourths of the members of such corporation qualified to vote, and present and voting, at a corporate meeting of such corporation, specially called for that purpose, shall approve thereof. But if such corporation be a church, previous notice of the object of such meeting shall be published for at least four successive weeks in a newspaper of the town, village or city in which the cemetery from which the removal is proposed, is situated, or if no newspaper is published therein, then in a newspaper designated by the county judge of such county. Such removal shall be made in an appropriate manner and in accordance with such directions as to the manner thereof, as may be given by the board of health of the town, village or city in which the cemetery from which the removal is made, is

situated. All tombstones, monuments or other erections at or upon any grave from which any remains are removed, shall be properly replaced or raised at the grave where the remains are reinterred.

§ 2. This act shall take effect immediately.

Chap. 325.

AN ACT to amend the drainage law, in relation to new assessments of water commissioners for expenses of repairs or enlargement.

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-nine of chapter five hundred and fifty-seven of the laws of eighteen hundred and ninety, entitled "An act to amend title sixteen chapter eight part three of the revised statutes relative to proceedings for the draining of swamps, marshes and other low or wet lands, and for draining farm lands, relative to assessment therefor" as added by chapter five hundred and fifty-seven of the laws of eighteen hundred and ninety, as amended by chapter three hundred and twenty-one of the laws of eighteen hundred and ninety-two, and as amended by chapter eight hundred and nineteen of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 29. Statement of total expense, et cetera; assessment.—When the total cost and expense of such repairs or enlargement is ascertained the water commissioner or water commissioners shall make and file in said county clerk's office a detailed statement, giving each item of expense and the date thereof, including the day of the month on which each water commissioner was employed, and the nature of his employment, which statement shall be verified to the effect that it is just and true, and forthwith thereafter the water commissioner or water commissioners shall, unless he shall deem a new assessment desirable, levy and assess the total cost and expenses of such repairs or enlarge-

ment upon the lands originally assessed for the construction of such ditch or channel, and upon the same basis or ratio, and shall make a roll or statement thereof containing a description of each tract or parcel of land assessed, so far as may be required to identify the same, the number of acres assessed in each tract, the name of the owner or owners thereof and their post-office address, or, where the person is not known, or his post-office address can not be ascertained, then the name and post-office address of the occupant thereof and also the amount assessed on each tract or lot. In case the situation, condition or ownership, of the lands and premises affected or benefited as originally assessed for the construction of said ditch or channel shall have become changed, so as to make a new assessment desirable, the water commissioner or water commissioners may assess the total cost and expenses of such repairs or enlargement upon the lands benefited by the drain repaired according to the situation of the same and the benefit which shall be derived thereto from the repair or enlargement of said ditch or channel. When any assessment shall exceed twenty-five dollars the water commissioner or water commissioners, in his or their discretion, may make it payable in two instalments by indicating the same upon such roll, the last instalment to be due one year after the first. The roll or assessment shall be verified by the oath of the water commissioner or water commissioners by whom the same is made to the effect that the same is in all respects just and true, and shall be filed in the office of the clerk of the county or counties in which said ditch or channel or any part thereof is located. The said water commissioner or water commissioners shall give notice of such assessment and of the filing thereof to each person whose lands are assessed by them to pay any part of said sum, and also to the president of any village or to the chairman of the board of supervisors in the county that may be assessed by them. Such notice shall be given in the manner prescribed for giving notice of assessment provided in section two of this act. Appeals from any such assessment may be made by any person deeming himself aggrieved thereby, or by any such officer deeming his village or town or county aggrieved, in the same manner as is provided for appeals under similar assessments in section ten of this act, and the provision of said section ten in regard to appeals from assessments and the procedure thereof shall govern

and control the parties and proceedings in all appeals that may be taken from assessments made under this section. The assessment made thereby, or such modification thereof as shall be made upon any appeal taken therefrom shall become a lien upon the several lots or tracts of land on which the same shall be assessed as of the date of such filing, and shall be forthwith collected by the collector of the town or towns in which the same shall be situated. Provided that in case where any such ditch or channel has been kept open and cleaned to its full width and depth as originally laid out, by the owners of the land through or across which it was constructed, at their own expense, such lands shall be exempt from such proportion of the tax or assessment for any repairs or enlargement of such ditch or channel as shall be equal to the cost or expense of so having kept the same open and cleaned, to be fixed and determined by said water commissioner or water commissioners and the tax or assessment on any such lands shall be lessened accordingly.

§ 2. This act shall take effect immediately.

Chap. 326.

AN ACT to amend the penal code, relative to ice bridges and ice cuttings.

Became a law, April 25, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and twenty-nine of the penal code, as amended by chapter five hundred and eighty-four of the laws of nineteen hundred, is hereby amended to read as follows:

§ 429. Ice cuttings and ice bridges.—A person or corporation cutting ice in or upon any waters within the boundaries of this state, for the purpose of removing the ice for sale or use, must surround the cuttings and openings made with fences or guards of boards or other material sufficient to form an obstruction to the free passage of persons through such fences or guards into the place where such ice is being cut. Such fences or guards must be erected at or before the time of commencing the cuttings or openings, and must be maintained until ice has again

formed therein to the thickness of at least three inches, or until the ice about such openings has melted or broken up. Whoever omits to comply with this section is guilty of a misdemeanor. A person who cuts, loosens or detaches from any bay, estuary, inlet, or main, or island shore of the Saint Lawrence river, within the jurisdiction of this state, any field of ice, or large body of ice, which, when so loosened or detached forms or is likely to form a bridge or passage way between an island of the river and the main shore, or between any islands of such river, is guilty of a misdemeanor. The sheriff of the county of Saint Lawrence may appoint one or more deputies to patrol the Saint Lawrence river within the county at such times as shall seem to him proper, and to arrest any persons found engaged in a violation of this section; the fees and expenses of such deputies for such services shall be a county charge against said county, and shall be audited and paid in the same manner as other county charges.

§ 2. This act shall take effect immediately.

Chap. 327.

AN ACT to amend the code of criminal procedure, relative to support of bastards.

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and forty of the code of criminal procedure, is hereby amended to read as follows:

§ 840. When bastard, chargeable to the public, is born, or is likely to be born, application to be made to a justice of the peace or police justice.—If a woman be delivered of a bastard, or be pregnant of a child likely to be born such, and which is chargeable to a county, city or town, a superintendent of the poor of the county, or an overseer of the poor or other officer of the almshouse of the town or city where the woman is, must apply to a justice of the peace or police justice in the county to inquire into the facts of the case.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 328.

AN ACT to amend section twenty-seven hundred and thirty of the code of civil procedure, relative to commissions of executors or administrators.

Became a law, April 25, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-seven hundred and thirty of the code of civil procedure, is hereby amended so as to read as follows:

Allowances
by surro-
gate,
amount and
apportion-
ment of.

§ 2730. On the settlement of the account of an executor or administrator, the surrogate must allow to him for his services, and if there be more than one, apportion among them according to the services rendered by them respectively, over and above his or their expenses: For receiving and paying out all sums of money not exceeding one thousand dollars, at the rate of five per centum. For receiving and paying out any additional sums not amounting to more than ten thousand dollars, at the rate of two and one-half per centum. For all sums above eleven thousand dollars, at the rate of one per centum. In all cases such allowance must be made for their necessary expenses actually paid by them as appears just and reasonable. If the gross value of the personal property of the decedent amounts to one hundred thousand dollars or more each executor or administrator is entitled to the full compensation on principal and income allowed herein to a sole executor or administrator, unless there are more than three, in which case the compensation to which three would be entitled must be apportioned among them according to the services rendered by them, respectively, and a like apportionment shall be made in all cases where there shall be more than one executor or administrator. Where the will provides a specific compensation to an executor or administrator he is not entitled to any allowance for his services, unless by a written instrument filed with the surrogate, he renounces the specific compensation. Where successive or different letters are issued to the same person on the estate of the same decedent, including a case where letters testamentary, or letters of general administration, are issued to a person who has been previously appointed a temporary administrator, he is entitled to compensation in one

capacity only, at his election, except that where he has received compensation in one capacity he is entitled to the excess, if any, of the compensation allowed by law, above the sum which he has already received in the other capacity.

§ 2. This act shall take effect immediately.

Chap. 329.

AN ACT to amend the real property law in relation to the authentication of conveyances executed outside of the state of New York and within the United States.

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty of chapter five hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act relating to real property constituting chapter forty-six of the general laws," is hereby amended by adding thereto a new subdivision, to be subdivision four, and to read as follows:

4. All acts of the secretary of state of any state or territory of the United States in authenticating a certificate of acknowledgment or proof of a conveyance of real property within the state, performed before the time when subdivision three of this section took effect, are hereby confirmed, provided that the said certificate of authentication is in the form required by the laws of this state.

Certain act of secretary of state confirmed.

§ 2. This act shall take effect immediately.

Chap. 330.

AN ACT to amend section eight hundred and eighty-eight of the Greater New York charter in relation to the appointment of deputy tax commissioners among the boroughs.

Accepted by the city.

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and eighty-eight of the Greater New York charter, as enacted by chapter four hun-

dred and sixty-six of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

Deputy tax
commissioners,
appoint-
ment and
eligibility
of.

§ 888. In making the appointments of the deputy tax commissioners the head of the department of taxes and assessments shall apportion such appointments, as nearly as may be, among persons residing in the several boroughs created by this act, according to the population of the several boroughs; and, after the first day of January, nineteen hundred and two, no person shall be appointed to the office of deputy tax commissioner unless he shall be at the time he is appointed and shall have been at least one year prior thereto an elector in the borough from which he is appointed. No deputy tax commissioner shall be assigned to assess property in any other borough than that from which he is appointed, except by the vote of the board of taxes and assessments, and in that case the reasons for such assignment shall be stated in the minutes of the board.

§ 2. This act shall take effect immediately.

Chap. 331.

AN ACT to amend the code of civil procedure, relative to the disclosure of information acquired by physicians and nurses tending to show the commission of crimes of which children under sixteen have been victims.

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and thirty-four of the code of civil procedure is hereby amended to read as follows:

§ 834. Physicians or professional registered nurses not to disclose professional information.—A person duly authorized to practice physic or surgery, or a professional or registered nurse, shall not be allowed to disclose any information which he acquired in attending a patient, in a professional capacity, and which was necessary to enable him to act in that capacity; unless, where the patient is a child under the age of sixteen, the information so acquired indicates that the patient has been the victim or subject of a crime, in which case the physician or nurses may be

required to testify fully in relation thereto upon any examination, trial or other proceeding in which the commission of such crime is a subject of inquiry.

§ 2. Nothing in this act contained shall affect any actions or proceedings now pending.

§ 3. This act shall take effect September first, nineteen hundred and five.

Chap. 332.

AN ACT to authorize the expenditure by the city of New York of money for the proper celebration of Memorial day in the year nineteen hundred and five.

Accepted by the city.

Became a law, April 25, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful to expend any moneys heretofore appropriated by the board of estimate and apportionment of the city of New York, contained in the annual budget of said city for the year nineteen hundred and five, for the observance of Memorial day in such year, in the manner provided for in said annual budget.

Memorial day, appropriation for observance of, authorized.

§ 2. In addition to the amounts to be expended under the authority of section one hereof, it shall be lawful for the board of estimate and apportionment of the city of New York to make provision for the suitable observance of Memorial day in the year nineteen hundred and five by the appropriation of such sum as it may deem advisable to expend, either partly or wholly through the memorial committee of the Grand army of the republic in the various boroughs of said city of New York, or in such other manner as said board of estimate and apportionment shall direct.

Manner of expenditure.

§ 3. For the purpose of raising the necessary additional funds for the proper celebration of said Memorial day, as provided in section two hereof, the comptroller shall, when so directed by the board of estimate and apportionment of said city raise such amount by the issuance of special revenue bonds of said city,

Issue of revenue bonds for additional funds.

and the amount of such bonds, together with interest thereon, shall be included in the final estimate of the amounts to be raised by taxation upon the estates, real and personal, in the city of New York, for the year nineteen hundred and six.

§ 4. This act shall take effect immediately.

Chap. 333.

AN ACT to amend chapter three hundred and twenty-six of the laws of eighteen hundred and ninety-five, entitled: "An act to provide for the incorporation of associations for lending money on personal property, and to forbid certain loans of money property or credit," relative to place of incorporation.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and twenty-six of the laws of eighteen hundred and ninety-five, entitled: "An act to provide for the incorporation of associations for lending money on personal property, and to forbid certain loans of money property or credit," as amended by chapter seven hundred and six of the laws of eighteen hundred and ninety-five, as amended by chapter two hundred and six of the laws of eighteen hundred and ninety-six, as amended by chapter seventy-eight of the laws of nineteen hundred and two, is hereby amended to read as follows:

Incorporation of associations in certain counties authorized.

§ 1. In any county of this state containing or which is contained in an incorporated city, except in the counties of Monroe and Westchester, any five or more persons may organize and become a corporation, for the purpose of aiding such persons as shall be deemed in need of pecuniary assistance, by loans of money at interest, not exceeding two hundred dollars to any one person, upon a pledge or mortgage of personal property, by making, signing, acknowledging and filing a certificate, in the form prescribed by the business corporation law. Before transacting any business the said corporation shall execute and file a bond in an amount equal to one-tenth of its capital stock,

Bond to be filed with superintendent of banks.

but not less than the sum of five thousand dollars, with the superintendent of banks, to be approved by him for the faithful observance of all general provisions of law regulating business corporations within the state of New York, and the provisions of this act. Said bond shall be executed by a domestic or foreign corporation authorized by the superintendent of insurance to transact within the state the business of surety insurance as surety. At the time of filing such bond such corporation shall also file with the superintendent of banks a certified copy of its certificate of incorporation. Upon the filing of such certified copy of the certificate of incorporation, and the filing and approval of the bond hereinbefore provided for, the superintendent of banks shall issue to the corporation a license to transact business under this act, which license shall terminate on the thirty-first day of March in the following calendar year. This act shall not apply to the counties of Monroe and Westchester.

License to
transact
business.

§ 2. This act shall take effect immediately.

Chap. 334.

AN ACT to amend the Greater New York charter, in relation to entry of order of commissioners of estimate.

Accepted by the city.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen hundred and forty, of the Greater New York charter as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 1440. The said commissioners of estimate, before they present their report to the supreme court, shall deposit a true report or transcript of such estimate in the office of the department, board or officer conducting such proceeding, for the inspection of whomsoever it may concern, and shall give daily notice by advertisement in the City Record and the corporation news-

Deposit of
report,
notice of.

papers, and also, at the option of the corporation counsel, in other newspapers, not exceeding three in number, published in said City of New York, for ten days, Sundays and holidays excluded, after depositing such report, of the said deposit thereof in said office, and any person or persons whose rights may be affected thereby, and who may object to the same, or any part thereof, may, within ten days after the first publication of such notice, set forth their objections to the same in writing to the said commissioners, who shall, after hearing the parties so objecting, thereupon reconsider their said estimate and assessment, or the part or parts thereof so objected to, and in the case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly. The City of New York shall, within two calendar months after the confirmation of the said report, pay to the parties entitled thereto the respective sum or sums so estimated and reported in their favor, respectively, with lawful interest from the date of entry of the order confirming the report of said commissioners, or if title to said lands shall have vested in the city under section fourteen hundred and thirty-nine of this act, from the date of said vesting; and in default thereof said persons or parties, respectively, his, her, or their respective heirs, executors, administrators, successors or assigns, may, at any time or times after application first made, by him, her, or them to the comptroller of the City of New York for payment thereof, sue for and recover the same with lawful interest, as aforesaid, and the costs of suit. Upon any application to said comptroller the applicant may state that any outstanding taxes, assessments or other liens may be deducted from the amount otherwise payable to him or her, and in that event the fact that there are outstanding taxes, assessments or other liens shall not impair or invalidate such application nor operate as a bar to the collection of interest upon the amount awarded less the amount of such outstanding taxes, assessments or other liens.

§ 2. This act shall take effect immediately.

Correction
of report.

Payment of
amounts
awarded.

Chap. 335.

AN ACT to amend the forest, fish and game law, relative to grouse and woodcock not being sold.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-seven of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter five hundred and eighty of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 27. Grouse and woodcock not to be sold.—Grouse and woodcock taken in this state shall not be sold or offered for sale within this state, or carried without the state, nor shall grouse or woodcock taken without the state be sold or offered for sale within the state except pursuant to the provisions of this section. Possession of grouse or woodcock by any person shall be presumptive evidence that they were taken in this state, provided that such presumption shall not attach to the possession of grouse or woodcock by any person who shall have given to the commissioner a bond to the people of the state, as hereinafter provided, approved by him as to form, amount and sufficiency of sureties, so long as the same shall be in force. The bond shall be for a specified time, and shall continue in force for that time unless sooner disapproved by the commissioner for breach of its conditions or failure of sureties. Such bond shall be conditioned that such person shall not knowingly have in his possession or sell, grouse or woodcock taken in this state, and shall contain such other provisions as to inspection of grouse or woodcock possessed by him, evidence that the same were taken without the state, by way of bill of sale, way bill or otherwise, and generally such requirements as the commissioner may deem necessary to secure the enforcement of this section; nor shall presumption attach to possession of grouse and woodcock by any person purchasing the same for consumption from a person whose bond is in force as aforesaid. But no presumption that grouse or

woodcock are possessed free from the presumption that they were taken in this state, as herein provided, shall arise in any action or legal proceeding until it affirmatively appears that the provisions of this section have been complied with. Any person violating any of the provisions of such bond shall be denied the privilege of giving another bond under this section.

§ 2. This act shall take effect immediately.

Chap. 336.

AN ACT to amend the forest, fish and game law, relative to penalties.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-nine of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 139. A person who violates any provision of this article is guilty of a misdemeanor, and is liable as follows: For each violation of section one hundred and twenty-seven a penalty of sixty dollars, and to an additional penalty of ten dollars for each lobster taken or possessed in violation thereof, for every other violation of said article to a penalty of one hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 337.

AN ACT to amend the forest, fish and game law, relative to Jamaica bay and adjacent waters.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twelve of chapter twenty of the laws of nineteen hundred, entitled "An act for the pro-

tection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter five hundred and eighty-six of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 112. Jamaica bay and adjacent waters.—Except as herein provided, fish shall not be taken, nor shall any attempt be made to take the same, by any device other than angling in the arm of the sea between Rockaway point and Coney island or any waters northerly of a line drawn from the extreme westerly point of Rockaway point on the south side to the centennial tower on Coney island including Jamaica, Flatlands, Grassy and Sheeps-head bays and all other bays and inlets in or making out from said arm of the sea. The inlets from the ocean to said bays shall not be obstructed by any device so as to prevent the passage of fish at any time, provided that nets may be used from October tenth to December thirty-first in that part of said waters lying southerly of Barren island and toward the sea from a line drawn from the most southerly point of Barren island to the northeasterly point of Rockaway point and a line drawn from the most westerly point on Barren island to the most easterly point of Coney island. Refuse and debris may be taken with nets having meshes with not less than a six-inch bar. Minnows or shrimp for bait may be taken by hand nets not more than forty feet long and four feet deep. No other nets shall be used in said waters, and should such other nets be placed in said waters it shall be presumptive evidence of an unlawful use. Angling shall always be lawful. Eels may be taken with a spear or eel weir.

§ 2. This act shall take effect immediately.

Chap. 338.

AN ACT to amend the forest, fish and game law, relative to close season on woodcock.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-three of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the

forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter three hundred and seventeen of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 23. Woodcock; close season.—Woodcock shall not be taken from December first to September fifteenth, both inclusive. No person shall take more than thirty-six woodcock in an open season.

§ 2. This act shall take effect immediately.

Chap. 339.

AN ACT to amend the forest, fish and game law, relative to the use of nets in Coney Island creek.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirteen of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 113. Size of meshes in Coney Island creek.—Meshes of nets used in Coney Island creek, or within one-half mile of the mouth thereof in Gravesend bay, shall not be less than four inches square. Eel and flounder hoop nets may be used from October fifteenth to March thirty-first both inclusive, provided there be in said creek at low tide a passage unobstructed by nets not less than ten feet wide for the passage of boats and fish, and provided that all stakes used in connection with said nets shall show plainly above the water at high tide.

§ 2. This act shall take effect immediately.

Chap. 340.

AN ACT to amend the forest, fish and game law, relative to selling woodcock, grouse and quail in Orange county.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-nine-a of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as inserted by chapter two hundred and twenty of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 29-a. Woodcock, grouse and quail in Delaware, Greene, Orange, Schoharie, Sullivan and Ulster not to be sold.—Woodcock, grouse and quail shall not be taken in Delaware, Greene, Orange, Schoharie, Sullivan and Ulster counties for the purpose of selling or offering to sell the same; nor shall any person sell or offer for sale any such woodcock, grouse and quail.

§ 2. This act shall take effect immediately.

Chap. 341.

AN ACT to amend the forest, fish and game law, relative to woodcock, grouse or quail in Orange county.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article two of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended by inserting therein a new section to be known as section twenty-nine-b, and to read as follows:

§ 29-b. Woodcock, grouse and quail in Orange county.—No person shall take in the county of Orange more than twelve wood-

cock, twelve grouse and twelve quail at any one time or on any one day, nor shall any person take in such county in any one calendar year more than thirty-six of either variety of such birds.

§ 2. This act shall take effect immediately.

Chap. 342.

AN ACT to amend the forest, fish and game law, relative to the transportation of fish caught in the waters of Missisquoi bay and the tributaries to said bay in the Province of Quebec, and the Richelieu river in said province.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws, is hereby amended by adding thereto a new section to be known as section forty-seven-a, and to read as follows:

§ 47-a. Transportation of fish from the Province of Quebec.—On and after the passage of this act no transportation company, corporation, association or person shall transport into this state any fish caught in that portion of Lake Champlain or its tributaries known as Misisquoi* bay, lying and being in the Province of Quebec, of the Richelieu river, which is the outlet of said lake, at any time. Any transportation company, corporation, association or person violating the provisions of this section is guilty of a misdemeanor, and liable to a penalty of sixty dollars and ten dollars for each fish transported in violation of the provisions of this section. The forest, fish and game commission is hereby authorized to seize and confiscate all fish coming into this state from the points herein referred to, and it shall be the duty of every game protector and peace officer to seize wherever found fish shipped in violation of this section and report the same to said commission who shall authorize the sale of said fish, the pro-

* So in original.

ceeds thereof after paying the expenses incurred shall be turned into the state treasury.

§ 2. That portion of section forty-seven of chapter twenty of the laws of nineteen hundred, as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and three, in so far as it conflicts with the provisions of this section, and all acts or parts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 343.

AN ACT to amend the forest, fish and game law, in relation to spearing fish in Ulster county.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter one hundred and twenty-one of the laws of nineteen hundred and one, and chapters seventy-two and five hundred and fifty-eight of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 84. **Spearing and hooking.**—Suckers, bullheads, eels and dog-fish may be speared in the Delaware river in Sullivan and Delaware counties, and in Sandsburg creek, town of Wawarsing, in Ulster county, from the Center street bridge in Ellenville to Port Hixon dam on said stream, from April first to September thirtieth, both inclusive; and Shadow creek and Hayden creek in the town of Springfield, Otsego county, from March first, to May first, inclusive; and in the Hyder creek, Fish creek, Mink creek and Herkimer creek in the towns of Richfield and Exeter, in Otsego county from March first to May fifteenth, inclusive, provided that spearing shall not be allowed hereunder within twenty rods from the point where such creeks empty into Schuyler lake; and in the creeks in Orleans county excepting Sandy

creek, Oak Orchard creek and Johnson's creek, between the fifteenth day of March and the thirtieth day of April, inclusive; and in the waters of Lake Ontario in the towns of Ellisburg, Henderson, Hounsfield and Brownville in Jefferson county, and in the waters of the towns of Lexington and Prattsville in Greene county, at any time. Such fish may be taken from December first to May fifteenth, both inclusive, by hooking, in Oneida lake, Oneida river, Onondaga lake, in the Delaware and Charlotte rivers and their tributary streams in the counties of Delaware and Sullivan, in the Schoharie river and its tributary streams, in Schoharie and Greene counties, and in the waters of Cortland, Tioga, Broome, Chenango and Otsego counties.

§ 2. This act shall take effect immediately.

Chap. 344.

AN ACT to release to Walter Miller and Mary J. Miller, his wife, all the right, title and interest of the people of the state of New York in and to certain real estate.

Became a law, April 28, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the right, title and interest, of the people of the state of New York, in and to all that certain piece or parcel of land situate in the city of Rochester, county of Monroe and state of New York, known and described as lots numbers three and four on a map and allotment of the Hart place tract, so-called, made by F. J. M. Cornell, surveyor, said lots fronting on North Saint Paul street, aforesaid, and being sixty-six feet front and rear and one hundred and thirty feet deep, is hereby granted, conveyed and released to Walter Miller and Mary J. Miller, his wife, of the city of Rochester, county of Monroe and State of New York, and to their heirs and assigns forever.

§ 2. Nothing in this act shall be construed to impair or affect the right of any heir-at-law, devisee, grantee or creditor by mortgage, judgment or otherwise, nor any action or proceeding now pending.

§ 3. This act shall take effect immediately.

Interest
of state
released.

Descrip-
tion.

Chap. 345.

AN ACT to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York, to The Hahnemann hospital of the city of New York to a grant to the said The Hahnemann hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said The Hahnemann hospital of the city of New York.

Accepted by the city.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the sinking fund of the city of New York, are hereby authorized and empowered in their discretion for such consideration as they may deem proper, (having in view of the provision made by the said The Hahnemann hospital in the city of New York, for the care of the sick who would otherwise become a charge upon the said city) to change, modify or alter to a grant in fee-simple absolute, a certain lease dated January fourteenth, eighteen hundred and seventy-one, affecting premises on the easterly side of Fourth or Park avenue, between Sixty-seventh and Sixty-eighth streets, in the borough of Manhattan and city of New York, made by the mayor, aldermen and commonalty of the city of New York for a period of ninety-nine years from the first day of December, one thousand eight hundred and seventy, at an annual rental of one dollar, and recorded in the office of the register of the city and county of New York, on the fourteenth day of March, eighteen hundred and seventy-one, at one o'clock fifteen minutes in the afternoon, in liber eleven hundred and fifty-eight of conveyances at page five hundred and sixty-six, so as to permit and authorize The Hahnemann hospital of the city of New York, after such grant shall have been made, to sell, convey in fee-simple absolute, or mortgage the whole or any part of said premises, or to lease the said premises, or any part or portion thereof, for such term or terms as shall be deemed proper by said The Hahnemann hospital of the city of New York, and the said The Hahnemann hospital of the city of New York.

Change of
lease to
grant in fee
authorized.

Lease of
premises
authorized

York, in case of* any such sale, mortgage or lease shall be made by it, shall thereupon devote the proceeds of such sale or mortgage, or the income of such lease or leases as may be made by them, to the erection of new buildings upon the present site, or to the purchase of a new site within the city of New York, and the erection of new buildings, and to the maintenance and support of said The Hahnemann hospital of the city of New York, or to any two of these purposes; but nothing herein contained shall be construed to compel the vendee, lessee or mortgagee to see to the proper application of the purchase price, loan or rent of the said The Hahnemann hospital of the city of New York.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed, in so far as they may affect the corporations herein mentioned.

§ 3. This act shall take effect immediately.

Chap. 346.

AN ACT to authorize the board of estimate and apportionment of the city of New York, in its discretion, to examine, audit and allow the alleged claims of persons who have furnished work, labor and services or materials or supplies under request, order or direction of the fire department of the city of New York.

Accepted by the city.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized and empowered in its discretion to examine, audit and allow the claims, if any, of the persons, firms or corporations hereinafter named who have heretofore under the request, direction or order of the fire department of the city of New York furnished work, labor and services or materials or supplies for the said fire department of the city of New York, to wit: James R. Keane and company, of the city of New York, claiming six thousand two hundred and forty and sixty one-hundredths dollars; Samuel Lewis of the city of New

Claimants,
names of.

*So in original.

York, claiming one thousand five hundred and thirty-seven and sixty one-hundredths dollars; Peerless rubber company of the city of New York, claiming two thousand three hundred and sixty-seven and forty one-hundredths dollars; James S. Barron and company of the city of New York, claiming three thousand four hundred and seventy and thirty-eight one-hundredths dollars; Reed and Hewlett of the city of New York, claiming three thousand four hundred and thirty-four and forty-three one-hundredths dollars; Kate Fuessel of the city of New York, claiming one thousand three hundred and forty-four and forty-one one-hundredths dollars; John Fennell of the city of New York, claiming one hundred and eighty-two and fifty-five one-hundredths dollars; G. Montgomery and company, of the city of New York, claiming one hundred and fifty-four and sixty one-hundredths dollars; Smith Worthington and company of the city of New York, claiming eight hundred and fifty-one and fifty-one one-hundredths dollars; American rubber tire company of the city of New York, claiming two hundred and ninety-eight and six one-hundredths dollars.

§ 2. The said board of estimate and apportionment in dealing with the matters aforesaid may treat the same as matters of fact without regard to the question whether the said material and labor was legally furnished and delivered and performed to or legally ordered by the commissioner of the fire department of the city of New York, and if it shall appear to the satisfaction of the said board of estimate and apportionment of the city of New York that the said material was actually ordered from, directed or contracted for with the said persons, firms or corporations by the commissioner of the fire department of the city of New York, or the purchasing agent of the said department, in his official capacity and in the discharge of his official duties and that the fair and reasonable value of the materials furnished and delivered and the labor performed by the said persons, firms or corporations was of the aforementioned sums respectively, and upon such audit and allowance by the board of estimate and apportionment of the city of New York, the comptroller of the said city of New York is hereby authorized and empowered to pay said persons, firms or corporations respectively, such sum or sums as may be so audited and allowed by such board of estimate and apportionment herein provided out

Manner of
considering
claims.

Issue of
revenue
bonds au-
thorized to
pay claims
audited.

of the proceeds of revenue bonds to be issued in anticipation of the tax to be levied in the year following the date of issue of said revenue bonds.

§ 3. This act shall take effect immediately.

Chap. 347.

AN ACT to amend article seven of title three, chapter eighteen of the code of civil procedure, relating to the authentication of wills admitted to probate in other states, and of letters testamentary and of administration granted in other states, so as to entitle the same to be recorded in this state.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-seven hundred and four of the code of civil procedure is hereby amended so as to read as follows:

§ 2704. Papers recorded, et cetera; how authenticated.—To entitle a copy of a will admitted to probate or letters testamentary or of letters of administration, granted in any other state or in any territory of the United States, and of the proofs or of any statement of the substance of the proofs of any such will, or of the record of any such will, letters, proofs or statement, to be recorded or used in this state as provided in this article, such copy must be authenticated by the seal of the court or officer by which or whom such will was admitted to probate or such letters were granted, or having the custody of the same or of the record thereof, and the signature of a judge of such court or the signature of such officer and of the clerk of such court or officer if any; and must be further authenticated by a certificate under the great or principal seal of such state or territory, and the signature of the officer who has the custody of such seal, to the effect that the court or officer by which or whom such will was admitted to probate or such letters were granted, was duly authorized by the laws of such state or territory to admit wills to probate or to grant letters testamentary or of administration and to keep the same and records thereof; that the seal of such court or officer affixed to such copy is genuine, and that the officer making such certificate under such seal of such state or territory verily believes

that each of the signatures attesting such copy is genuine; and to entitle any certificate concerning proofs accompanying the copy of the will or of the record so authenticated, to be recorded or used in this state, as provided in this article, such certificate must be under the seal of the court or officer by which or whom such will was admitted to probate, or having the custody of such will or record, and the signature of a judge or the clerk of such court, or the signature of such officer, authenticated by a certificate under such great or principal seal of such state or territory, and the signature of the officer having the custody thereof, to the effect that the seal of the court or officer affixed to such certificate concerning proofs is genuine, and that such officer making such certificate under such seal of such state or territory, verily believes that the signature to such certificate concerning proofs is genuine. To entitle a copy of a will admitted to probate or of letters testamentary or of letters of administration granted in a foreign country, and of the proofs or of any statement of the substance of the proofs of any such will or of the record of any such will, letters, proofs or statement to be recorded or used in this state, as provided in this article, such copy must be authenticated by the seal of the court or officer by which or by whom such will so admitted to probate or such letters were granted or having the custody of the same or of the record thereof and the signature of a judge of such court or the signature of such officer and of the clerk of such court or officer, if any; and must be further authenticated by a certificate of a judge of a court of record of such foreign country; to the effect that the court or officer by which or by whom such will was admitted to probate or such letters were granted was duly authorized by the laws of such foreign country to admit wills to probate or to grant letters, testamentary or of administration and to keep the same and records thereof; and that the judge making such certificate verily believes that the seal and each of the signatures, attesting such copy is genuine, and the signature and official charter of such judge of a court of record shall be attested by a United States consul or vice-consul, and to entitle any certificate concerning proofs accompanying the copy of the will, or of the record so authenticated, to be recorded or used in this state, as provided in this article, such certificate concerning proofs must be similarly authenticated and attested.

§ 2. This act shall take effect immediately.

Chap. 348.

AN ACT to amend the tax law in relation to proceedings or suits brought to collect personal taxes in arrears.

Became a law, April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine hundred and eight of the laws of eighteen hundred and ninety-six entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws" is hereby amended by adding a new section after section two hundred and fifty-nine, to be known as section two hundred and fifty-nine-a, and to read as follows:

§ 259-a. Dismissal of suits or proceedings.—Where the person or corporation against whom a proceeding or suit is brought to collect a personal tax in arrears in any town or ward, village, county or city of this state is unable for want of property to pay the tax in whole or in part, or where for other reasons, upon the facts, it appears to the court just that said tax should not be paid, the court may dismiss such suit or proceeding on the payment of such part of the tax as may be just or on payment of costs.

§ 2. This act shall take effect immediately.

Chap. 349.

AN ACT to release to the devisees and persons interested under the will of Charles Booth, deceased, all the right, title and interest which the people of the state of New York acquired upon the death of the said Charles Booth by reason of his alienage, in and to all lands in the city of New York whereof said Charles Booth died seized.

Accepted by the city.

Became a law, April 28, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the right, title and interest which the people of the state of New York acquired on the death of Charles Booth,

Interest of
state
released.

late of the county of Middlesex, England, by reason of his alienage, in and to all lands in the city of New York, of which the said Charles Booth died seized, is hereby released unto the devisees and persons interested under the will of said Charles Booth, according to their several interests, as may by said will appear, to have and to hold in like manner as if said Charles Booth had at the time of his death been a citizen of the state of New York.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any heir-at-law, devisee or grantee, purchaser or creditor by judgment, mortgage or otherwise in and to said premises or any part thereof.

Rights not
affected by
this act.

§ 3. This act shall take effect immediately.

Chap. 350.

AN ACT to provide for public improvements in the city of Troy upon and in relation to Prospect park and the water works of said city.

Accepted by the city.

Became a law, April 28, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Troy is hereby authorized and empowered to acquire, by purchase or by condemnation proceedings conducted as provided by law, all the lands and premises lying adjacent to Prospect park in said city, which the board of estimate and apportionment of said city of Troy shall, by resolution describing the said lands and premises, declare it to be the intention of the said city to so acquire. The entire cost of the lands and premises to be so acquired shall not exceed the sum of fifty thousand dollars, and the said lands and premises when so acquired shall form part of said Prospect park.

Acquisition
of land for
park
purposes.
cost of, etc.

§ 2. It shall be the duty of the corporation counsel and he is hereby authorized and empowered under the direction of the commissioner of public works, to conduct all negotiations and legal proceedings concerning the acquisition of said lands and premises and to secure unto the city of Troy title in fee simple absolute thereto free and clear from all liens, charges and incumbrances whatsoever.

Proceed-
ings for
acquisition
of lands to
be con-
ducted by
corporation
counsel.

Contracts
to be ad-
vertised.

§ 3. The commissioner of public works of the city of Troy is hereby authorized and empowered to purchase all necessary materials, employ all necessary labor, enter into all necessary contracts and cause to be done all necessary work for the improvement and beautifying for public park purposes of said Prospect park as it shall be when enlarged under the provisions of this act, except that all contracts for work and materials shall be advertised for and let by the board of contract and supply of said city.

City may
borrow
money to
pay
expense.

§ 4. The said city of Troy is hereby authorized, empowered and directed to borrow the sum of one hundred and fifty thousand dollars for the purpose of paying therewith the cost of said additional lands and premises, hereinbefore authorized to be acquired, and the expenses of acquiring the same and for the purpose of paying the cost and expense of improving and beautifying said Prospect park, as it shall be when enlarged under the provisions of this act.

Proceed-
ings for
borrowing
money.

§ 5. The said sum of one hundred and fifty thousand dollars shall be borrowed by the said city of Troy in such instalments and amounts, and at such times, as the board of estimate and apportionment shall from time to time fix and determine. Whenever moneys shall be needed for the payment for any of said additional lands and premises, or for such materials or for the cost of such improvement and beautifying of said Prospect park or for any of the expenses connected therewith authorized by this act, said commissioner of public works shall certify the need of such moneys to the board of estimate and apportionment and the said board of estimate and apportionment shall, thereupon, prepare, approve and adopt the necessary ordinances or resolutions for the purpose of borrowing such moneys and shall transmit said ordinances or resolutions to the common council, and the said common council shall thereupon adopt and pass the said ordinances or resolutions so transmitted to it.

Bonds to
repay
loans,
name, exe-
cution and
terms of.

§ 6. To secure the repayment of the moneys borrowed under the authorization of the foregoing sections of this act, together with the interest thereon, the said city of Troy is hereby authorized, empowered and directed to issue its bonds to be known as city of Troy Prospect park bonds executed and conditioned as follows, to wit: The said bonds shall have attached thereto the seal of the city of Troy; they shall be signed in the name and

on behalf of the city of Troy by the mayor and city treasurer of said city; and they shall be countersigned by the comptroller of said city. The said bonds shall be payable in not less than five years nor more than forty years from the dates on which they shall be issued, as shall be fixed and determined by the board of estimate and apportionment; they shall be for the sum of one thousand dollars each; and they shall bear interest at a rate not to exceed four per centum per annum, as shall be fixed and determined by the board of estimate and apportionment, payable semi-annually at the office of the city treasurer out of any funds in the city treasury applicable to such payment.

§ 7. The said bonds of the city of Troy authorized to be issued under the foregoing provisions of this act, shall, when issued, be sold by the comptroller of the city of Troy to the highest bidder, either at public auction or upon sealed bids or proposals, as the board of estimate and apportionment shall determine and deem to be for the best interests of the city of Troy; but, in no case, shall the said bonds be sold for less than the face or par value thereof. The proceeds of the sales of such bonds shall constitute and be set apart as the fund provided for carrying out the provisions of this act with reference to said Prospect park and shall be forthwith paid by the said comptroller to the city treasurer, who shall forthwith deposit and preserve the same for application to the payments provided to be made therefrom by this act.

Sale of
bonds.

§ 8. Said bonds shall be registered, when issued, in the offices of the comptroller and city treasurer and such registration shall be, at all times during business hours, open to inspection by any citizen.

Registra-
tion of
bonds.

§ 9. The board of estimate and apportionment shall make all necessary provisions for the payment of the principal and interest of said bonds and the payment thereof shall be made and provided for by tax upon the real and personal property liable to taxation in said city in the same manner as other expenses of maintaining the government of said city.

Payment
of bonds.

§ 10. The commissioner of public works of the city of Troy is hereby invested with and shall have and take cognizance, direction and control of the water works of the city of Troy, and of Prospect park in said city and of the construction, maintenance, extension and repair of the said city water works and the care,

Control of
water
works,
powers of
commis-
sioners of
public
works.

superintendence, management, extension and improvement of said Prospect park. He shall also exercise all the powers and perform all the duties with referenc* to said water works and said park provided to be exercised and performed by him by the provisions of this act.

§ 11. To provide the funds wherewith to pay the debts due and owing and incurred and the compensation heretofore awarded or agreed upon for property and rights acquired and taken and the compensation hereafter to be awarded or agreed upon for property and rights to be acquired and taken for the purposes of the extension of the city water works now in course of construction and unfinished and to provide the funds wherewith to complete the said extension of the city water works, the city of Troy is empowered and directed to borrow and expend the sum of four hundred and fifty thousand dollars, or so much thereof as may be necessary. The commissioner of public works of the city of Troy shall, from time to time, make out and present to the common council of the city of Troy a statement in writing of the sums needed to be raised for the purpose of carrying out the provisions of this act with reference to the extension of the water works and the execution of the contracts that have been made pursuant thereto, and the amounts of money agreed upon or awarded to the owners of lands and rights condemned and taken for the purposes of the extension of said water works and an increased supply of water for the city of Troy, and shall state the amount of such contracts, the persons with whom they have been made, and also the amount of the compensation and damages agreed upon or awarded as aforesaid. Thereupon the said city shall borrow the money thus called for and the board of estimate and apportionment shall approve, adopt and transmit to the common council and the common council shall pass the necessary ordinances or resolutions to that effect. To secure the repayment to the lenders of the moneys thus borrowed, the said city shall issue its bonds, which shall be signed by the mayor and treasurer and countersigned by the comptroller of said city and the corporate seal shall be attached thereto. They may be either registered or coupon bonds as said officers shall decide. The said bonds shall not bear a rate of interest exceeding four per centum per annum. They shall be issued in

Funds for extension and construction of water works, acquisition of, manner of.

Issue of bonds to repay loans.

* So in original.

denominations of one thousand dollars, except where it shall become necessary to issue in a lesser sum, and shall be made payable at such times, not more than twenty years from the date of their issue, as shall be determined upon by said officers: They shall be known as additional water works bonds of the city of Troy. The comptroller shall invite bids for said bonds and shall give notice for at least one week in the daily official newspapers of the city of Troy, and also in two daily newspapers published in the city of New York, of the time and place when he will receive such bids. At such time and place he shall open the bids, and if they appear to have been made in good faith and that there is no collusion, he shall sell and award the bonds to the highest bidder or bidders therefor; but he shall not sell any of such bonds at less than par. The moneys received upon said bonds, including the premiums, shall be paid over to the treasurer of the city of Troy, and shall be by him placed to the credit of the water works department for application to the payments provided to be made therefrom by this act. None of such bonds shall be renewed when they become due. A list of them shall be kept in the offices of the comptroller and treasurer and shall be there open to public inspection. A sinking fund shall be created, on the issuing of said bonds, for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity; and the sum or sums necessary for the creation and maintenance of said sinking fund shall be annually set apart from the collections made by the city of Troy in its water department for water rates, rents, charges and other revenues, and shall be so set apart before any of said collections shall be applied to any other purposes. The superintendent of the water works, the commissioner of public works, the board of estimate and apportionment and the common council shall respectively take the necessary action to provide the moneys for said sinking fund and to set apart the same for said sinking fund, annually until said bonds shall be redeemed; and the said common council shall pass the necessary ordinances and resolutions for the creation and, from time to time, for the maintenance of said sinking fund.

Bonds, terms, denomination and sale of.

Redemption of bonds, sinking fund for.

§ 12. The commissioner of public works is hereby authorized and empowered to make, approve and adopt drawings, plans and specifications for one or more filtering plants which he shall

Filtering plants, plans and specifications for.

deem necessary for the purification of the water supply for the city of Troy, and to construct any and all buildings, dams, aqueducts, reservoirs, works, machinery and appurtenances, and to purchase any and all materials, supplies, machines, machinery and appurtenances, which he shall deem necessary for the establishment, installation and maintenance of said filtering plant or plants for the purification of the water supply for the city of Troy. The location of said filtering plant or plants shall be fixed by the said commissioner of public works. The city of Troy is hereby authorized and empowered to acquire, by purchase or by condemnation proceedings conducted as provided by law, all the lands and premises necessary for the installation of such filtering plants as shall be determined upon by the said commissioner of public works, which the said commissioner of public works shall, by written certificate describing the said lands and premises, declare it to be the intention of the said city to so acquire for such purpose. Said certificate shall be filed in the office of the said commissioner of public works.

Contracts for installation of plant; advertising for bids and manner of letting contracts.

§ 13. The commissioner of public works, if he shall decide that one or more filtering plants are necessary for the purification of the water supply for the city of Troy, is hereby authorized, empowered and directed to make, approve and adopt all necessary drawings, plans and specifications therefor and to enter into contracts for the doing of the work and the furnishing of the materials required for the construction, installation, establishment and maintenance of such filtering plant or plants. Proposals and specifications must be prepared for such work and materials and bids be invited therefor. All contracts shall be let by the board of contract and supply of said city. Notice of the time and place at which the said board will receive such bids must be advertised in the daily official newspapers of said city, at least ten days prior to the opening of the bids. Every bid must be in writing, signed by the bidder, and must be accompanied by a certified check made payable to the order of the city treasurer for five per centum of the amount of the proposal; such check shall be considered as a guaranty that the bidder will enter into the proposed contract if it is awarded to him, and, in case of his refusal or neglect to do so, he shall forfeit such check to the said city as liquidated damages. All bids must be inclosed in sealed envelopes addressed to the board of contract

and supply; they shall be opened only at public sessions of the said board and all contracts for any such work or materials shall be awarded to the lowest bidder therefor, unless in the judgment of a majority of all the members of said board, to be indicated by resolution, the bids or bid shall be deemed disadvantageous to the city, in which event they, or any of them may be rejected; and the board of contract and supply shall be authorized to contract on behalf of the city. Upon the said bidder entering into contract, if awarded, and furnishing a bond as herein provided, his check shall be returned to him; and the checks of all unsuccessful bidders shall be returned upon the letting of such contract. Every contract which shall be entered into for any such work or materials must be accompanied by a bond to the city of Troy, in the amount of the contract price, signed by the contractor and two or more sureties who are freeholders residing within the state of New York or executed by a duly incorporated and responsible surety company, conditioned for the faithful performance of the work or the furnishing of the materials on the part of the contractor and his compliance with the terms and conditions of the contract and of the specifications for such work and materials; the sureties must justify in the aggregate in an amount equal to that of the contract price. No contract shall become effective, until the bond accompanying it shall have been approved by the corporation counsel and the board of contract and supply and filed with such approval, in the office of the comptroller with such contract. But if any such work or materials shall not cost a sum exceeding two hundred and fifty dollars, the said board of contract and supply, by a majority vote of all its members, may direct that the same be done or purchased by and under the direction of the commissioner of public works, without inviting bids therefor, and that a written order for the same be issued by the said commissioner of public works.

§ 14. The said commissioner of public works shall, from time to time, as may be necessary, prepare and submit to the corporation counsel forms of contracts and specifications for the performance of the work and the furnishing of the materials called for by his plans for such filtering plant or plants or for the doing of such part of said work and the furnishing of such parts of said materials as may, from time to time be required for that

Contracts and specifications, approval of form; to be executed in triplicate.

purpose. If said contracts and specifications are in proper form the corporation counsel shall approve them. He shall also draw bonds for the faithful performance thereof. When such contracts are executed they shall be in triplicate one of which shall be kept at the office of the commissioner of public works, another filed with the comptroller of said city and the third delivered to the contractor. Such contractors shall run in the name of the city of Troy. Any actions at law which may be brought thereon, or upon any bonds given as aforesaid, shall be in the name of or against the city of Troy; and if judgment be recovered against the city it shall be paid out of the treasury of the city and charged back to the funds applicable to the cost of said filtering plant or plants and all moneys recovered in such actions by the city shall be paid over to the city treasurer and be by him placed to the credit of the said funds.

Actions on contracts.

Fees, costs, commissions and necessary expenses of proceedings to acquire lands, how paid.

§ 15. In and about the acquiring of any lands and premises for such filtering plant or plants, the fees of all commissioners of appraisal, the reasonable fees and charges of a stenographer to take and transcribe the minutes of the proceedings and testimony before commissioners of appraisal in condemnation proceedings, all necessary traveling expenses, printing, advertising, witness' fees, the charges of the clerk of Rensselaer county for searches of title and all other necessary expenses incurred in and about the execution of the provisions of this act, relating to the installation, establishment and maintenance of filtering plant or plants, or in the condemnation proceedings provided for herein, shall be paid by the city treasurer of the city of Troy out of the funds hereinafter authorized to be provided and secured for the purpose of establishing, installing and maintaining said filtering plant or plants. The sums of money which shall grow due from time to time under the terms of the several contracts which may be entered into with reference to such filtering plant or plants pursuant to this act, shall be audited by the said board of contract and supply and be paid by the said city treasurer out of said funds. The said board of contract and supply shall draw drafts in favor of the several persons and for the matters herein provided for, and the same, together with the bills or claims so audited, shall be presented to the comptroller of said city to be countersigned by him before they shall be paid.

§ 16. To carry out the purposes and make the compensation and payments authorized by this act in and about the construction, installation, establishment and maintenance of one or more filtering plants for the purification of the water supply for the city of Troy, in case the said commissioner of public works shall decide to construct, install, establish and maintain the same, the city of Troy is hereby authorized, empowered and directed to borrow and expend the sum of three hundred thousand dollars, or so much thereof as shall be necessary. The said commissioner of public works shall, from time to time make out and present to the board of estimate and apportionment and to the common council of the city of Troy a statement in writing of the sums needed to be raised for the purpose of constructing, installing, establishing and maintaining said filtering plant or plants, and the execution of the city's part of the contracts that shall have been made for such purposes, and shall state the amount of such contracts, the names of the persons, firms or corporations with whom they have been made and also the amount of the compensation and damages agreed upon or awarded for lands and premises acquired for the purposes of said filtering plant or plants. Thereupon the said city shall borrow the money thus called for and the board of estimate and apportionment shall approve, adopt and transmit to the common council and the common council shall pass the necessary ordinances, or resolutions to that effect. To secure the repayment to the lenders of the moneys thus borrowed, the said city shall issue its bonds, which shall be signed by the mayor and treasurer and countersigned by the comptroller of said city and the corporate seal shall be attached thereto. They may be either registered or coupon bonds as said officers shall decide. The said bonds shall not bear a rate of interest exceeding four per centum per annum. They shall be issued in denominations of one thousand dollars, except where it shall become necessary to issue in a lesser sum, and shall be made payable at such times, not more than twenty years from the date of their issue, as shall be determined upon by the said officers. They shall be known as water works filtering plant bonds of the city of Troy. The comptroller shall invite bids for said bonds and shall give notice for at least one week in the daily official newspapers of the city of Troy, and also in two daily newspapers published in the city of New York of

City may borrow money and issue bonds to establish filtering plant.

Bonds, terms, execution and manner of issue of.

Sale of bonds.

the time and place when he will receive such bids. At such time and place he shall open the bids and if they appear to have been made in good faith and that there is no collusion, he shall sell and award the bonds to the highest bidder or bidders therefor, but he shall not sell any of such bonds at less than par. The moneys received upon said bonds, including the premiums, shall be paid over to the treasurer of the city of Troy, and shall be by him placed to the credit of the water works department where they shall be subject to be drawn upon as hereinbefore provided. None of such bonds shall be renewed when they become due. A list of them shall be kept in the offices of the comptroller and treasurer and shall be there open to public inspection. A sinking fund shall be created, on the issuing of said bonds, for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity; and the sum or sums necessary for the creation and maintenance of said sinking fund shall be annually set apart from the collections made by the city of Troy in its water department for water rates, rents, charges and other revenues, and shall be so set apart before any of said collections shall be applied to any other purposes. The superintendent of the water works, the commissioner of public works, the board of estimate and apportionment and the common council shall respectively take the necessary action to provide the moneys for said sinking fund and to set apart the same for said sinking fund, annually, until said bonds shall be redeemed; and the said common council shall pass the necessary ordinances and resolutions for the creation and, from time to time, for the maintenance of said sinking fund.

§ 17. The title to all real estate acquired for the purposes of such filtering plant or plants, and to all buildings, dams, aqueducts, reservoirs, works, machinery and appurtenances and to all material, supplies, machines and machinery and appurtenances forming part of such filtering plant or plants shall be vested in the city of Troy.

§ 18. All acts and parts of acts contrary to, inconsistent with or repugnant to this act are, to that extent, hereby repealed so far as they relate to the city of Troy.

§ 19. This act shall take effect immediately.

Redemption of bonds, sinking fund for.

Titles to all real estate, equipment, etc., acquired for filtering plant to be vested in city.

Laws repealed.

Chap. 351.

AN ACT to repeal chapter three hundred and eighty-nine of the laws of nineteen hundred and three and chapter six hundred and twenty-nine of the laws of nineteen hundred and four, relating to the municipal improvements commission of the city of Troy.

Accepted by the city.

Became a law, April 28, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and eighty-nine of the laws of nineteen hundred and three, entitled "An act in relation to the city of Troy, the government of said city, and to create a municipal improvements commission, and to define its powers and duties," is hereby repealed.

§ 2. Chapter six hundred and twenty-nine of the laws of nineteen hundred and four, entitled "An act to amend chapter three hundred and eighty-nine of the laws of nineteen hundred and three, entitled 'An act in relation to the city of Troy, the government of said city, and to create a municipal improvements commission, and to define its powers and duties,' and to enlarge the powers and duties of said commission and to provide for additions and improvements to Prospect park and to the water works of the city of Troy under the supervision of said commission and to authorize the issuing of bonds for such additions and improvements and to amend section twenty-four of chapter five hundred and seventy-six of the laws of eighteen hundred and ninety-three, entitled 'An act relative to the water works department of the city of Troy and to provide for an increased supply of water in the said city,' as amended by chapter three hundred and seventy of the laws of nineteen hundred, relative to the issue of bonds for the extension of the water works and an increased supply of water, for the city of Troy," is hereby repealed. Repealing act.

§ 3. This act shall take effect immediately.

Chap. 352.

AN ACT to amend chapter four hundred and thirty, of the laws of nineteen hundred and three, entitled "An act authorizing the paving of streets and portions thereof, within the city of Auburn, and providing the method and means of payment therefor."

Accepted by the city.

Became a law, April 28, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of chapter four hundred and thirty of the laws of nineteen hundred and three, entitled "An act authorizing the paving of streets and portions thereof, within the city of Auburn, and providing the method and means of payment therefor," are hereby amended to read respectively as follows:

§ 1. At any time after the passage of this act, a petition may be presented to the common council of the city of Auburn, by the owners of at least one-half of the lineal foot frontage of all real property fronting or abutting on any street, or portion thereof, in said city, asking that said street or portion thereof, together with all street intersections, be paved, one-half of the total expense thereof to be paid by the owners of real property fronting and abutting on that portion of said street to be paved, and the remaining one-half to be paved by the city at large and the expense defrayed by a general tax. Upon receiving said petition, said common council may cause a survey, map, plans and specifications for paving, to be made by the city engineer, which map shall show the number of lineal feet on said street of all lots and parcels of land fronting and abutting on that portion thereof proposed to be paved, and said city engineer shall certify to the common council that the petitioners represent the title to at least one-half of such lineal foot frontage. Said common council shall, after adopting said map, plans and specifications, cause a notice to be published for six days in the daily newspapers published in said city, briefly describing said improvement and the manner in which it is proposed to pay therefor; that the map, plans and specifications for the same are on file in the office of the city

Paving streets, petition for.

Survey, map, plans and specifications, preparation and adoption of.

engineer where they may be seen and examined, and requiring all persons interested to attend the common council, at a time and place therein appointed, when an opportunity will be given them to be heard in the premises. At the time and place appointed the common council shall hear all persons interested and may thereupon make such order and determination with reference to such paving and the kind of pavement to be laid as to its members shall seem proper; and after such determination by the common council no person whose consent or request has been obtained and who has placed his name upon a petition in favor of such paving, shall be permitted to withdraw his name from such petition or remove his request or consent thereto, or be counted or considered upon any remonstrance against the improvement petitioned for and determined upon by the common council. Such paving if ordered shall include all street intersections, and when needed the relaying of sidewalks to the required grade and making lawns between sidewalks and gutter conform to said grade, the furnishing, grading for, setting and resetting of the curb on both sides of the street paved and street intersections. When the common council shall determine to pave one or more streets or parts thereof, pursuant to the provisions of this act, it shall cause a notice to be published for six days in all the daily newspapers published in said city, particularly specifying the street or streets or parts thereof intended to be paved, and required* all persons, corporations, companies and city departments, including the water board of the city of Auburn, within the time limited in said notice, which shall not be less than thirty days, to do such excavating in, lay such new mains and pipes, and make such repairs of and connections with, existing gas and water mains, sewers, pipes, and connections therewith, as may be necessary or liable to be required, within a period of two years next thereafter, in and through the street or streets or parts thereof to be paved, and the paving thereof shall not be commenced until the expiration of the time stated in such notice. Copies of such notice shall be served by mail, within five days from the date of first publication of said notice, upon all corporations, companies and municipal departments owning or having charge of pipes or mains laid in said street or streets or parts thereof to be paved. After such paving is completed, the common

Hearings.

Paving,
how to be
done.Notice,
publication and
contents of

* So in original.

Paving
not to be
disturbed
for two
years.

council shall not, nor shall the water board of the city of Auburn, or any other city department, person, corporation or company be authorized, permitted or allowed, for the period of two years, to excavate for any purpose whatever in the street or streets or parts thereof so paved, except that if existing mains, sewers, pipes or connections therein shall leak, become broken or in such condition from any cause, as to require immediate repair, that could not have been made prior to such paving being done, such repairs may be permitted by the mayor or the common council upon written application therefor, at such times and under such conditions and restrictions as the common council may provide by ordinance or otherwise.

Notice of
proposals
for paving,
publication
and con-
tents of.

§ 2. If the common council shall determine to pave said street, it shall cause a notice to be published for six days in a daily newspaper published in said city, and as many times in such other papers as its members may deem advisable, describing briefly the paving to be done; that copies of the specifications and proposals for doing the work may be obtained of the city engineer and that sealed proposals to contract therefor will be received by the mayor up to the time named in said notice. Each sealed proposal shall be accompanied by a certified check, payable to the order of the city of Auburn, for such amount as the common council shall designate, to become and be the property of the city, if such proposals be accepted and the person, persons or corporation making it does not, within fifteen days after notification of its acceptance, enter into and execute a contract to do such paving in conformity with the specifications and the proposal accepted, and execute and deliver concurrently therewith, a bond, in the penal sum of one and one-quarter times the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars, by the contractor. Instead of such certified check each sealed proposal may be accompanied by a bond, in such penal sum as the common council may direct, signed by the person, persons, or corporation so proposing, and by two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned that if such proposal be accepted the person, persons

or corporation making the same will, within fifteen days after notification of its acceptance, enter into a contract with the city to do such paving, in accordance with the specifications and proposal accepted, and execute and deliver concurrently therewith, a bond in the penal sum of one and one-quarter times the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all its particulars, by the contractor.

§ 3. At the first meeting after the date named in said notice, the mayor shall present to the common council all sealed proposals and all bonds and certified checks accompanying the same, received by him, and the same shall be then opened and considered. The common council may reject any or all proposals received if its members deem it for the best interests of the city so to do. If a proposal which shall be considered favorable to the city is so received and the check or bond accompanying the same is acceptable, the common council shall accept the same and direct the mayor to enter into a contract with the party making such proposal. Such contract shall provide for and require the contractor to keep such pavement in repair for a period of at least eight years after its completion, without cost or expense therefor to the city, property owners or residents upon the street paved. Such paving shall be done under the supervision of the city engineer who may, with the approval of the mayor, appoint one or more inspectors therefor and fix their compensation. If, within eight months after the date a petition is presented, the common council does not, by resolution, direct that a contract for paving petitioned for under the provisions of this act be entered into, or a resolution directing that such contract be entered into is not duly approved by the mayor, no action or further action shall be taken upon said petition.

§ 4. The common council may at any time during the progress of such work, pay to the contractor such portion of the contract price not exceeding eighty-five per centum of the value of the work then completed (to be certified by the city engineer), as its members may deem advisable; but such payment, if made, shall not be an acceptance of that portion of the paving then completed, or a waiver of any of the rights of the city with reference

Opening
proposals,
proceed-
ings upon

Payments
on con-
tracts.

thereto. Such payments may be made from the general city fund or the common council may borrow money, upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum, to make such payments, in which event it shall direct the mayor and city clerk to execute and deliver to the person or corporation from whom said money is borrowed, an obligation therefor signed by them, in the name of the city, and under its seal, payable at the office of the city treasurer at the time when the contract for said paving provides the work shall be fully completed and deposit the proceeds thereof with the city treasurer, and when due may, if the paving is not fully completed, extend the time of payment of such obligation or obligations but not beyond the time when said paving is actually completed.

Certificate
of comple-
tion of
contract;
statement
of cost of
pavement.

§ 5. When said paving shall have been fully completed in accordance with said specifications and contract, the city engineer shall file with the mayor a certificate to that effect (to be approved by the mayor), and in the office of the city clerk a certified detailed statement of the cost of said pavement, including the paving of all street intersections, the compensation of the inspector or inspectors and city engineer, the furnishing, grading for, setting and resetting of curbs, relaying sidewalks to required grade, making lawns between sidewalk and gutter conform to said grade, interest paid or payable upon all obligations given as hereinbefore authorized, and all other disbursements connected therewith. The common council shall at its first meeting after such certificate of completion, with the approval of the mayor endorsed thereon, shall have been filed in the office of the city clerk accept the pavement and determine the aggregate cost thereof, including the paving of all street intersections, the compensation of the inspector or inspectors and city engineer, the furnishing, grading for, setting and resetting of curbs, relaying sidewalks to required grade, making lawns between sidewalk and gutter conform to said grade, interest paid or payable upon all obligations given as hereinbefore authorized, and all other disbursements connected therewith, and shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum, to pay for such improvement, and shall direct the mayor and city clerk to issue the bonds of the city not exceeding ten in number, and in as

Issue of
bonds to
defray
expense.

near as may be equal yearly installments, for such aggregate amount, with interest thereon, payable semi-annually, signed by them, in the name of the city and under its seal; said bonds to become due and payable at the office of the city treasurer, one in one year from the date of said bonds, and one each year thereafter until all said bonds become due and payable and are paid. If for any reason the money needed cannot be borrowed the common council shall cause coupon or registered bonds of the city to be issued in the amounts, form and manner, and payable at the time and place hereinbefore directed, cause them to be properly signed by the mayor and city clerk, the seal of the city attached, and delivered to the comptroller who shall negotiate them, at not less than par and accrued interest, and deposit the proceeds thereof with the city treasurer. All bonds issued shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issue. After the common council has accepted said pavement and determined the aggregate cost thereof, it may accept, in place of the construction and maintenance bond theretofore filed, a maintenance bond, executed by the contractor and a surety company (to be approved by the mayor) in a penal sum not less than thirty per centum of the determined aggregate cost of said pavement, conditioned that the contractor will keep said pavement in repair for a period of at least eight years after its completion without cost or expense therefor to the city, property owners or residents upon the street paved.

§ 6. Of the aggregate cost so determined, the common council shall fix and determine the amount to be paid by any street railway company, whose tracks are laid in or through any portion of the street so paved, in conformity with the provisions and requirements of its franchise, or of any existent law applicable thereto and shall add to the one-half of the balance of such aggregate cost, so determined (after deducting said amount to be so paid by such street railway company), interest thereon until the last installment of bonds issued therefor becomes by their terms due and payable, and shall by resolution, direct the assessors of the city of Auburn to assess the total amount thereof upon the real property abutting and fronting upon that por-

Apportionment of expense to be paid by street railway company.

tion of the street so paved, each lot or parcel to be assessed proportionately to its frontage or number of lineal feet upon said street. The remaining one-half of said aggregate cost shall be paid by the city and the common council shall provide for the payment thereof with interest thereon, by adding to and including in the tax budget of each year (after the determination of the aggregate cost of said improvement) an amount sufficient to pay its proportion of said bonded indebtedness, both principal and interest, that matures and is payable that year, until the bonds issued in payment of said improvement are fully paid and retired.

§ 7. Upon receipt of a certified copy of said resolution the assessors shall immediately proceed to assess the amount directed upon all real property, including that owned by charitable, benevolent, religious and educational corporations or societies, and other real property exempt by law from general taxation, abutting or fronting upon that portion of the street so paved, assessing each lot or parcel proportionately to its frontage or number of lineal feet upon said street, and shall make and subscribe an assessment roll thereof. Upon the completion of such assessment roll, the assessors shall give six days' notice by publication in the daily newspapers published in said city, of the fact that said assessment roll is completed; that the same may be seen and examined at the office of the assessors, and that at the time appointed in said notice, which shall be within thirty days from the receipt of said resolution, they will hear objections of persons interested. They shall also serve upon each person whose name appears upon said assessment roll at least three days before the time appointed for such hearing, a notice either personally or by depositing the same enclosed in a sealed envelope, in the postoffice in said city directed to said person at his last known place of residence, according to the best information they may be able to obtain, the postage being prepaid thereon, which said notice shall state the name of the person, the lineal foot frontage assessed to such person, the amount of his assessment and the time and place of the said hearing. At the time appointed the assessors shall hear objections, at their office in the city hall, and may adjourn from time to time, not exceeding in all ten days, for that purpose. They may add to such assessment roll any property liable to assessment, which may have been omitted

Assess-
ments: pro-
ceedings
upon com-
pletion of
assessment
roll.

therefrom, upon giving written notice to the owner, agent or occupant of such property of their intention so to do, by mailing a copy thereof, addressed to such owner, agent or occupant at his last known place of residence, at least three days before the final correction of such roll, or by personal service at least one day before such final correction. At the time appointed in said notice, or upon any adjourned day, said assessors may correct or change any of the amounts in said assessment roll, by increasing or diminishing the same according to the justice of the case. The assessment roll when completed, shall be immediately filed in the office of the city clerk and thereupon the respective amounts assessed therein shall become and be liens upon the lands, upon which the same are assessed. Such assessment roll shall be presented by the city clerk to the common council at its next meeting thereafter; the common council shall thereupon direct the mayor and city clerk to issue and sign the proper warrant commanding the city treasurer to collect the several amounts appearing in said assessment roll.

§ 8. The city treasurer upon receiving such warrant and assessment roll, and within ten days thereafter, shall serve or cause to be served, upon each person whose name appears upon said roll a notice in substance as follows: Office of the City Treasurer, Auburn, New York, (fill in date) To (fill in name of owner of property assessed). Take notice that I have received the warrant for the collection of assessments for paying (fill in name) street; that (describe property) is assessed to you in the sum of (fill in amount) dollars; for said improvement; you are hereby required to pay said sum to me in (fill in number) equal payments as follows: the first payment to be made on or before the first day of the month preceding the month in which the first installment of bonds issued for such improvement become by their terms due and payable, namely (state date when payment required), and one of such payments to be made on the same date in each year thereafter, until said assessment is fully paid, or in default of such payments, or any of them, the same will be collected in the manner provided by law.

(Name of city treasurer.)

.....

City treasurer.

Collection
of assess-
ments,
notice of,
contents of.

Service of
notice of
collection.

Such notice may be served upon such person either personally or by depositing the same enclosed in a sealed envelope in the postoffice in said city, directed to said person at his last known place of residence according to the best information which the city treasurer may be able to obtain, the postage thereon being prepaid. Said city treasurer shall also, commencing with or before the date of said notice, give notice twice a week for three weeks in a daily newspaper published in said city, that he has received such assessment roll and that he will receive at his office the amounts therein set forth in like manner and times as stated in the notice above described and that in default of such payments, said assessments or any installments thereof, will be collected in the manner provided by law.

Unpaid
assess-
ments to be
added to
city tax.

§ 9. If such assessment of any installments thereof shall not be paid, when the same by the terms of said notice become due and payable, and shall not be paid previous to the collection of the next annual city tax, due and payable the first day of July following, they shall, including six per centum per annum thereon, up to that time, be added to the said annual city tax on the respective lots or parcels of land upon which said unpaid amounts are assessed and thereafter the aggregate amount, in each case, shall be regarded and described in all proceedings as tax and shall be collected in the same manner, with like percentage, power and effect as the city taxes of said city are collected; but the provisions of this section shall not prevent the enforcement of the lien of such assessment, as hereinafter authorized.

Errors and
omissions
not to in-
validate
assess-
ments.

§ 10. No error or mistake in the name of the owner of any lands assessed for said improvement, or the fact that the name appearing in the assessment roll for such improvement as the owner of any lands is not the owner thereof, nor irregularity in advertising or serving any resolution, notice or other proceeding for which said assessment shall have been made, nor any omission of any officer, agent or contractor to carry out any detail of any resolution or contract, shall invalidate said assessment or assessment roll, except only where fraud is shown, but the amount assessed and appearing therein as being assessed upon said lands, shall nevertheless be a lien upon said lands, and such lien may be enforced and foreclosed by action, in any court having jurisdiction to foreclose mortgages upon real estate.

§ 11. The city treasurer and comptroller shall create and keep a separate fund for each street paved under the provisions of this act. They shall place to the credit of said fund the money borrowed or realized from the negotiation of the bonds of the city issued to pay for such improvement together with all assessments received therefor, and the amount included in the tax budget each year to pay the proportion of the cost of said improvement charged upon the city, when collected. All orders drawn upon the city treasurer to pay for such improvement shall be a charge upon said fund. When the bonds issued for such improvement are due and presented for payment the city treasurer shall pay the same out of and from said fund. In case sufficient money has not been received to pay said bonds, the necessary amount shall be transferred from the general city fund to said special fund by the common council, and thereafter the assessments or tax received for such improvement shall be used to reimburse said general city fund, so far as the same shall be necessary for that purpose. All bonds paid by the city treasurer shall be immediately presented to the comptroller for cancellation.

Funds for each street paved to be kept separate.

§ 2. The words* "his" as used in this act shall, in all proper cases, be held to include and be co-extensive with the words "her," "it" and "their," the word "person," shall be held to include and be co-extensive with the words "persons," "firm," "company," "joint stock association" and "corporation."

§ 3. This act shall take effect immediately.

Chap. 353.

AN ACT to amend chapter three hundred and ninety-seven of the laws of eighteen hundred and ninety, entitled, "An act to incorporate the River bridge company," relative to extension of charter.

Became a law, April 28, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter three hundred and ninety-seven of the laws of eighteen hundred and ninety, entitled "An

* So in original.

Completion of bridge, time for extended.

act to incorporate the River bridge company," as amended by chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-five, as amended by chapter four hundred and ten of the laws of nineteen hundred, is hereby amended to read as follows:

- § 11. If said bridge be not commenced before the first day of July, nineteen hundred and ten, and completed within five years thereafter, said corporation shall thenceforth cease.
- § 2. This act shall take effect immediately.

Chap. 354.

AN ACT for the relief of Kensico cemetery.

Became a law, April 28, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisition of additional land for cemetery purposes.

Section 1. The Kensico cemetery in Westchester county, an association incorporated under the act entitled "An act authorizing the incorporation of the rural cemetery association," passed April twenty-seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, is hereby authorized by and with the consent of the board of supervisors of Westchester county first had and obtained, to purchase or otherwise take and hold land not exceeding two hundred and fifty acres immediately adjoining the lands of such cemetery on the northerly side thereof situated in the town of Mount Pleasant in said county of Westchester, in addition to the quantity of land now authorized by law to be held by said association; and may hold, use, and sell, or otherwise dispose of the same in the same manner with the same privileges, and for the same uses and purposes as are contemplated by the acts aforesaid.

Board of supervisors authorized to grant consent.

§ 2. The board of supervisors of Westchester county is hereby authorized and empowered to grant such consent, and if such consent be granted, the same shall be with full force and effect, and as if the application for said consent had been made, and the consent thereof had been granted prior to the enactment of

chapter seventy-three of the laws of nineteen hundred and two, and said act is hereby qualified and amended to this extent.

§ 3. This act shall take effect immediately.

Chap. 355.

AN ACT to provide for the payment of office expenses and salaries of employees in the office of the state superintendent of elections for the metropolitan elections district.

Became a law, April 28, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the state superintendent of elections for the Metropolitan elections district:

For the salaries of the deputy state superintendents of elections, the sum of twenty thousand dollars, or so much thereof as may be necessary. Salaries of deputies.

For a secretary, the sum of two thousand dollars. Salary of secretary.

For the state superintendent of elections for office expenses and expenses incurred in carrying out the provisions of the laws relating to the Metropolitan elections district, the sum of five thousand dollars, or so much thereof as may be necessary. Office expenses.

§ 2. This act shall take effect immediately.

Chap. 356.

AN ACT to amend chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn, and the several acts amendatory thereof."

Accepted by the city.

Became a law, April 29, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and twenty of the laws of eighteen hundred and ninety-

six; chapter three hundred and forty-eight of the laws of eighteen hundred and ninety-nine and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Terms of
city
officers.

§ 5. The term of office of the mayor, president of the common council, aldermen and supervisors shall be two years each; of assessors and constables, three years each; and of the city clerk, city treasurer, recorder, city judge and justice of the peace, four years each.

§ 2. Section twelve of chapter fifty-three of the laws of eighteen hundred and seventy-nine is hereby amended to read as follows:

Oaths of
office,
taking and
filing of.

§ 12. Every person elected or appointed to any office under this act and all police officers and firemen, before entering upon their duties shall, before some proper officer, take the oath prescribed by the constitution of the state, and file the same with the city clerk; and every person so elected or appointed, except the justice of the peace, shall take and file said oath of office within ten days after notice of his election or appointment, or shall be deemed to have declined the office.

§ 3. Section fourteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine is hereby amended to read as follows:

Filling
vacancies;
unexpired
terms.

§ 14. If a vacancy shall occur in any elective city office (except alderman or supervisor), the common council shall immediately fill the same by appointment; and the term of office of the officer so appointed to fill such vacancy shall be until noon of the first Monday in January next succeeding the first annual election after the happening of the vacancy; the residue of the term of office, if there shall be any unexpired, shall be filled by election at the first annual election next succeeding the vacancy according to the provisions of this act; but in the event of any such vacancy happening subsequent to the annual election which immediately precedes the expiration of the term of the office in which such vacancy has occurred, the term of the officer appointed by the common council to fill such vacancy shall be only until noon of the first Monday in January next succeeding the happening of such vacancy.

§ 4. Section sixteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hun-

dred and thirty-six of the laws of eighteen hundred and ninety-five and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 16. No person shall be eligible to any elective office mentioned in this title, unless he shall be a resident elector of said city, nor to the office of alderman or supervisor unless he shall be a resident elector of the ward for which such officer is to be chosen; and whenever any person elected to any ward or city office shall cease to be a resident elector of the city or of the ward, for which he shall have been elected, he shall be deemed thereby to have vacated his office, and the common council shall so declare him. No person elected or appointed to any office created by this act, or by any special act relating to the city of Auburn, shall be eligible, or be elected or appointed, to any other municipal office in said city of Auburn during the time such person may serve under such election or appointment. This provision shall not be construed as prohibiting or disqualifying the mayor from acting as a member of such municipal boards as he is made *ex officio* a member of.

Persons
eligible to
hold city
offices.

§ 5. Section seventeen of chapter fifty-three of the laws of eighteen hundred and seventy-nine, as amended by chapter five hundred and twenty of the laws of eighteen hundred and ninety-six is hereby further amended to read as follows:

§ 17. The civil year and the terms of office of the officers of said city shall begin at noon on the first Monday in January of each year.

§ 5-a. Section eighteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine, as amended by chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

§ 18. The president of the common council and the aldermen shall be the common council. The president of the common council and the aldermen shall attend the meetings of the common council and the aldermen shall act upon committees, when appointed, and possess such powers as are conferred by general law upon aldermen of cities.

Common
council,
members
of; meet-
ings; com-
mittees.

§ 6. Section twenty-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Common council to be the judge of election and qualifications of its members; quorum.

§ 23. The common council shall determine the rules of its proceedings (except as otherwise in this act provided) and provide for the enforcement thereof. It shall be judge of the election and qualification of its own members and have power to compel the attendance of its own members at its meetings; and a majority thereof shall be a quorum for the transaction of business; but a smaller number may adjourn.

§ 7. Section twenty-seven of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five; chapter three hundred and forty-eight of the laws of eighteen hundred and ninety-nine and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Removals from office, proceedings upon.

§ 27. Any person appointed to office under the provisions of this act by the common council may be removed at any time by the concurring vote of seven members of said common council. Any city officer elected under the provisions of this act, except as hereinafter provided, may be removed from office for disability, (in which case the examination shall be one of inquiry and the decision may be for honorable discharge from office,) incapacity, official misconduct, neglect, or violation of law or duty, inefficiency, intemperance, unbecoming official or personal conduct or other offence. No removal shall be made unless written charges, specifying the offence charged, and signed by the mayor, are presented to the common council and proceedings had thereunder pursuant to the provisions of this section and evidence confined to issues. The common council shall appoint a time for a hearing upon said charges and cause a copy of the same to be served upon the officer charged, at least fourteen days before a hearing, with a notice of the time and place thereof. At the time and place specified in said notice the common council shall proceed to hear evidence offered, and make a decision thereon. If said charges are not sustained it may dismiss the same, or, if sustained, it may remove such officer by a concurring vote of eight members of said common council; and the removal of such officer shall create a vacancy in the office held by him, which said vacancy shall be filled in accordance with the provisions of this act for filling vacancies. The common council is hereby authorized to make rules and regulations for the proper conduct

of such hearings. Upon the application of any elective officer so removed by the common council, the action and determination of said common council may be reviewed by writ of certiorari under the provisions of the code of civil procedure relating thereto, and the right to such review in said manner and to said writ of certiorari is hereby expressly conferred upon every elective officer who may be so removed by the common council. The mayor may be removed at any time by the governor of this state, upon charges preferred by the concurring vote of eight members of the common council, for disability, incapacity, official misconduct, neglect, or violation of law or duty, inefficiency, intemperance, unbecoming official or personal conduct or other offence. No removal shall be made unless a copy of the charges, specifying the offence charged, certified by the city clerk as such, is served upon the mayor at least fourteen days before the date of hearing, with a notice of the time and place thereof. The provisions of law relating to the removal of public officers by the governor and all proceedings therein, shall, so far as practicable, apply to such removal of the mayor, herein provided for. Nothing herein contained shall authorize the removal of the city judge, recorder, justice of the peace or any aldermen or supervisors of said city.

§ 8. Section thirty of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 30. The common council may prescribe duties other than those specified by this act or by general or special statute for the officers named in this act. It shall also upon the recommendation of the board of estimate and control fix all salaries and compensation of all persons in the service of the city (except the laborers in the street department and all persons employed by the board of education and water board); but no salary or compensation shall be increased except by a two-thirds vote of the common council.

Salaries to
be fixed by
common
council.

§ 9. Section thirty-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter five hundred and thirty-six of the laws of eighteen

hundred and ninety-five; chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven and chapter four hundred and ninety-eight of the laws of nineteen hundred and two is hereby further amended to read as follows:

§ 33. The common council may make, continue, modify and repeal such ordinances as may be necessary to carry into full effect, any and all of the powers conferred upon said corporation by this act, and provide for the violation thereof such punishment, by fine not exceeding one hundred dollars or by imprisonment in the common jail of the county of Cayuga, not exceeding three months, or by both such fine and imprisonment, as said common council may deem proper and may maintain suit in the name of the city of Auburn to restrain, by injunction, a violation thereof. Ordinances may be made as aforesaid for the following purposes, namely:

1. To prevent, restrain, remove and abate nuisances.
2. To prohibit the manufacture, and to regulate the keeping and storing of gunpowder and other dangerous explosive materials.
3. To prohibit, restrain and regulate the discharge of firearms, fireworks, and the explosion of gunpowder and guncotton.
4. To protect the public health, and provide against the spreading of pestilential and infectious diseases.
5. To require every physician in said city to report any infectious or pestilential diseases.
6. To restrain the running at large of cattle, horses, dogs and swine.
7. To prevent the unnecessary obstruction of streets by locomotives and cars, and to regulate their running and speed.
8. To regulate the use of lights in barns, stables, shops and outbuildings.
9. To prohibit the erection or continuance of slaughter houses.
10. To preserve public peace and good order.
11. To prevent and punish fighting, threatening or challenging to fight, and quarrelling.
12. To prevent any riot or noise, disturbance or disorderly assemblages; to suppress and prohibit disorderly houses, houses of ill fame, gaming houses, gaming and fraudulent devices; to prevent and punish drunkenness and disorderly conduct in public streets and places; and to restrain and punish vagrants, men-

Common council may make ordinances to carry into effect powers conferred by this act.

Riots, disorderly houses, gambling, etc.

dicants, street beggars, common prostitutes and disorderly persons.

13. To suppress and restrain houses and places where intoxicating liquors are sold, and to prohibit the sale of intoxicating liquors without license, or the sale or giving away of the same contrary to law, and provide that a portion of the fine imposed and collected therefor, not exceeding one-half thereof, be paid to the person making the complaint.

Suppression of houses engaged in unlawful sale of liquor.

14. To license, regulate, restrain or suppress the public use of billiard tables, bowling alleys and shooting galleries.

15. To prohibit, restrain and regulate all public exhibitions or performances for money, and to require, fix the amount, and to provide for the collection of license fees therefor.

16. To compel the owner or occupant of any grocery, tallow chandler shop, soap factory, tannery, stable, privy, sewer, drain, or any unwholesome or nauseous house or place, to cleanse, remove or abate the same.

17. To prohibit the bringing or depositing within the limits of said city, the putrid carcass of any animal, or any unwholesome thing.

18. To require the removal of any putrid meat, fish, hides, skins or any decaying substance.

19. To prohibit persons collecting, standing upon, or occupying the sidewalk, bridges, hallways, entrances, passages or stairways.

20. To prevent the incumbering of the roadways, squares, sidewalks, crosswalks, lanes and alleys, with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, or any substance or materials whatever.

21. To compel all persons to make, maintain and repair sidewalks in front of premises occupied or owned by them, and to remove snow and dirt therefrom, and to remove snow and ice from the roofs of buildings owned or occupied by them.

22. To compel all persons to remove from that portion of the street lying in front of, or bordering upon premises owned or occupied by them, any dirt, rubbish, snow or ice accumulating thereon, between the sidewalk and center of the street.

23. To require the owners or occupants of lots fronting upon the streets or travelled ways to erect barriers or safeguards

along the line of said streets or travelled ways at dangerous places.

24. To regulate and determine the time and place of bathing in any public waters.

25. To keep open and preserve the course of the Owasco river through said city; to prevent and punish encroachments upon the flowing waters thereof; to prevent the casting into said river any dead animal, earth or other material.

26. To regulate, restrain and prohibit the ringing of bells, the crying of goods, wares, merchandise or other commodities in the streets.

License fees.
27. To impose and collect license fees on all auction sales, to determine the amount of such license fees, and to provide that each sale made without first having obtained a license and paying the fees therefor, shall be a violation of the ordinance. To license and regulate pawnbrokers and the business of pawnbrokerage, and to fix the rates to be charged by pawnbrokers in their business; and any person, corporation, member or members of copartnership or firm, who loan on deposit or pledge of personal property, or other valuable thing, other than securities, or written or printed or partly written and partly printed evidences of indebtedness, or who deals in the purchase of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who takes chattel mortgages or leases upon household furniture in use, is hereby declared and defined to be a pawnbroker.

Pawn-brokers
28. To license, regulate and restrain hawking and peddling in the streets.

29. To establish, preserve and protect public reservoirs, pumps, wells, hydrants and fountains, and to regulate the use thereof.

30. To provide and contract for lighting such streets as the common council deems necessary, and to protect the public lamps.

31. To provide for the care, use and protection of fire engines, hose, hose carriages, hooks and ladders, trucks and all fire apparatus, belonging to said city.

Care and protection of public buildings and places of amusement.
32. To provide for the care, use and protection of public buildings; to regulate the arrangement, equipment and use of every building now or hereafter to be used as a hotel, theater, public hall, place of public amusement, or other public purpose, in so

far as the use thereof may involve the safety of the inmates in the case of fire.

33. To establish and regulate markets; to regulate the sale of fresh meats, fish and vegetables; to license butchers and marketmen and to provide for the revoking such licenses; to determine whether any proposed market will be detrimental to the public interest, and at discretion to grant or refuse permission for such market. Regulation of markets.

34. To license hackmen, cartmen, omnibus drivers and porters; to fix the fees therefor, and to provide for revoking such licenses; to regulate their compensation for services and to designate their stands.

35. To require persons driving horses with sleighs or cutters to carry bells, either upon the horses, sleighs or cutters.

36. To define the duties of the sealer of weights and measures, and to regulate his compensation.

37. To establish a watch house within said city, make all necessary police regulations concerning the same, and the custody and keeping thereof; to appoint a keeper of the watch house and watchman, and prescribe their powers and duties. Watch house and watchman.

38. To fix and alter the boundaries of a fire district within said city, and to regulate and prevent the erection, alteration or enlargement of wooden or other combustible buildings within said district. Regulate erection of buildings in fire district.

39. To order the owner or occupant of any building or structure which shall be deemed dangerous, or likely to fall, to take down or remove the same. In case of failure to comply with said order, the common council may take down or remove such building or structure and may recover by suit the expense thereof, of said owner or occupant. Removal of dangerous structures.

40. To prevent the dangerous construction or condition of chimneys, fireplaces, hearths, stoves, boilers or apparatus, in any building, or the deposit of ashes in unsafe places.

41. To prevent and regulate manufactures dangerous in causing or promoting fires.

42. To protect property at fires, and to keep away from the vicinity idle and suspicious persons.

43. To provide how the bells shall be rung in cases of fires or alarms of fires, and to punish nonobservance of the manner prescribed.

44. To compel persons to aid in extinguishing fires and in removing and securing property exposed to danger by fire.

45. To prevent the throwing of glass or nails in streets, or salting of street railway tracks, except at switches, curves and depressions where water freezes.

46. To require a register of births, marriages and deaths.

Numbering
houses;
street
signs, etc.

47. To regulate the numbering of houses, buildings and lots on streets and the naming of streets; to purchase and place suitable signs for names of streets, and numbers of buildings, and to assess the expense of such numbering upon the property benefited thereby, and cause the same to be collected with and as a part of the next installment of city tax.

Digging
in streets.

48. To regulate digging in streets by water, gas, subway, electric light and steam heating companies; and to compel them to repair all leakages which occur in their mains or pipes connecting therewith, in any of the streets of the city.

Repair of
roadway by
street
railway
companies.

49. To compel street railroad companies to contribute to the cost of repairing the roadway between the rails, such sum as the common council may from time to time determine just and equitable, not exceeding, however, three-fourths of such cost. Suit may be maintained in the name of the city for the recovery of such sum.

Regulation
of poles,
wires,
cables,
conduits,
etc.

50. To control, regulate and restrain the erection, placing, constructing, laying, stringing, maintaining and removing of all wires, cables, electrical conductors, poles, overhead construction, conduits and subways upon, over and under the streets, travelled roads, highways, lanes, alleys and public places within said city; to protect the fire alarm poles and wires and punish unlawful, malicious or willful interference therewith; to provide the manner, method of construction and occupancy of such subways and conduits; their location; the materials of which they shall be constructed, and the manner of their maintenance when completed.

Use of
streets,
fast
driving,
cruelty to
animals,
etc.

51. To regulate the use of streets and sidewalks by foot passengers, animals, vehicles and street cars; to regulate the speed at which horses shall be driven or ridden and at which vehicles shall be propelled in the streets; to restrain and punish immoderate or reckless driving or riding of horses or propelling of vehicles in the streets, and the cruel use or treatment of horses

or other animals within the city; to regulate processions or parades occupying or marching upon any street.

52. To regulate and provide the width of tires upon wagons used in drawing and hauling heavy loads upon and over the paved, macadamized and improved roads and streets of said city, and to establish and provide a system or license fees, for the use of such wagons, to be paid by the owners or users thereof, based on the width of the tires used thereon. width of tires on wagons.

53. To regulate the making of the proper connections between the premises abutting on any street or part of a street and any water or gas main or sewer or electrical conduit therein; to regulate the use of sidewalks, building fronts and house fronts within stoop lines; to regulate the construction, repairing and use of vaults, cisterns, areas and drains; to regulate or prohibit the erection or construction of any stoop, steps, platform, bay window, cellar, area, stairs, descent or ascent in any building, or any erection or projection from any building, or otherwise, in, over or upon any street or sidewalk, or the removal of any house or building over or upon any street or sidewalk, or the removal of any house or building through the streets of the city; to direct and provide for the digging down, draining or filling up of lots whenever the same shall be deemed necessary to prevent injury to the streets, sidewalks or crosswalks, or to adjoining property, at the expense of the owners thereof. Connections with water and gas mains; use of sidewalks, etc.

54. To regulate the exhibiting of banners, placards or flags in or across the streets or from houses or other buildings; to regulate the exhibition or distribution of handbills or other advertising matter along the streets. Banners, flags and advertisements.

55. To provide for the inspection of steam engines and boilers used in the city and to prohibit the use of unsafe ones; to prohibit any person who has not been duly licensed under such regulations as the common council may prescribe from running any steam engine, stationary or otherwise, in the city except the engineers of duly incorporated steam railroads and engineers duly authorized by the authorities of the United States; to classify such engineers and to provide for the appointment by the mayor of such inspectors, commissioners and employees as may be required to carry out such ordinance. Inspection of steam engines and boilers.

Running of
engines,
street cars,
wagons
and motor
vehicles.

56. To license, regulate and control the running of engines, horse cars, street cars, wagons, carriages, bicycles, automobiles, motor vehicles and other vehicles through the city and the rate of speed of the same, and to compel the registration and the marking of the same as the common council may direct.

Vendors.

57. To license, regulate and restrain the sale and place of sale of fruits, vegetables, peanuts, popcorn, candies, lunches and all other articles from stands, vehicles or otherwise in the streets and public places of said city.

58. To regulate, restrict or prohibit the use of bituminous coal within the city, or any portion thereof.

59. To regulate, remove or prohibit the construction of private sewers, sinks and privies.

Dogs.

60. To license and tax dogs and regulate and prohibit the owning or harboring of the same and to compel the registration thereof, and to require that each dog so licensed and registered shall wear, at all times, a collar marked in such manner as the common council may designate.

Additional
powers.

61. And such other and further ordinances not inconsistent with the laws of the state, as shall be deemed expedient for the good government of the city, management of its business, the protection of its property, the safety and welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, the preservation and protection of the public streets, the preservation of the public health, the prevention and extinguishment of fires and the exercise of its corporate powers and performance of its corporate duties.

§ 10. Section thirty-five of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Submission
of resolutions
to
mayor.

§ 35. Every resolution passed by the common council shall, by the city clerk within twenty-four hours, be submitted to the mayor, who shall, within six days after such submission, express in writing his approval or disapproval of the same. In case the mayor shall not so express his approval of any resolution, the

common council may, at its next regular meeting, repass the same by a concurring vote of eight aldermen. And no resolution shall be of any effect unless approved by the mayor, or repassed by the common council as aforesaid. The presentation of a resolution at the office of the mayor between the hours of nine o'clock in the morning and five o'clock in the afternoon shall be deemed a submission to the mayor for the purposes of this section.

§ 11. Section thirty-six of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 36. **Mayor; (a) executive power.**—The executive power of the city is vested in the mayor, and in such executive officers and departments as are, or may be created by law, or by resolutions or ordinances of the common council.

(b) **Duties.**—It shall be the duty of the mayor to see to the faithful performance of their duties by the city officers and departments, to maintain peace and good order within the city, to take care that the laws of the state and the ordinances of the common council be executed and enforced within the city; to communicate by a written message to the common council at least once a year a statement of the finances and general condition of the city, and with such recommendations in relation thereto as he may deem proper, and to give such information in relation to the same as the common council may from time to time require. It shall also be his duty to receive and examine into all complaints made against any city officer for neglect of duty, or malfeasance in office, and shall sign all appointments made by the common council.

(c) **Signing of deeds and contracts.**—The mayor shall on behalf of the city sign all deeds and contracts made by it.

(d) **Examination of accounts.**—The mayor shall have authority at all times to examine the books and papers of any officer, employee or department of the city, and as often as he may deem proper, to appoint one or more competent persons to examine, without notice, the accounts of any city officer or department, and the money, securities and property, belonging to the city in the possession or charge of any officer or department, and to report to the common council the result of such examination;

and he may administer oaths to witnesses and take affidavits in all cases relating to the affairs of the city.

(e) **Appointment of officers.**—Except as otherwise provided in this act, the mayor shall appoint all the city officers, and all standing committees of the common council, and except as otherwise provided in this act or in the other laws of the state, he may remove at pleasure any city officer appointed by him.

(f) **General duties.**—The mayor shall have such other powers and perform such other duties as may be prescribed in this act or by other laws of the state, or by resolutions and ordinances of the common council not inconsistent with the laws of the state.

(g) **Power of mayor.**—The mayor being charged to take care that the laws of the state and the resolutions and ordinances of the common council, and of the various city departments be duly executed within the city, is empowered to control and direct the police department for this purpose and in case of riot or insurrection he may take command of the whole police force, including the chief executive officer thereof, and he may for the occasion appoint and commission as many special policemen as he may deem necessary, who shall have all the powers of regular members of the police force.

(h) **Clerk.**—The mayor may appoint an executive clerk.

(i) **President of the common council.**—The president of the common council shall preside at all meetings of the common council, and discharge such other duties as president, as may be defined by resolution and ordinances of the common council and other provisions of this act. The common council may at any regular meeting, choose one of its members president with like powers to fill a permanent vacancy in the office and in like manner it may choose a president pro tempore to act during the temporary absence or inability of the president. In case of a vacancy in that office, until it shall fill the vacancy as above provided, the mayor shall preside over its meetings; but in case of a vacancy or until the president has been chosen, it shall transact no business, except to adjourn from time to time. The president of the common council may vote like other members of the common council on all appointments and removals made by the common council and upon all resolutions and ordinances submitted to that body for its action in case of a tie vote. In case of the absence from the city or inability of the mayor, the presi-

dent of the common council shall act as mayor until the mayor returns or his inability ceases, and the said president of the common council shall be vested with all the powers and perform all the duties of the mayor during such absence or inability. All appointments made by the president of the common council (acting as such mayor) to fill any office or a vacancy in any office, shall terminate upon the return of the mayor or the cessation of his inability. No removal shall be made by the president of the common council (acting as such mayor) except for cause.

§ 12. Section thirty-eight of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 38. Department of finance; (a) comptroller.—There shall be a comptroller, who shall be appointed by the mayor; he shall hold office during good behavior but is subject to removal at any time at the pleasure of the mayor.

(b) The office of the comptroller shall be in the city hall and be kept open at such times as the common council shall prescribe. Office,
where kept.

(c) The comptroller shall act as purchasing agent of the city; all specifications for supplies for all departments of the city government (except those of water and education) shall be forwarded to the comptroller who shall obtain the lowest figures thereupon and make purchases thereof after obtaining in each case the written approval of the chief executive officer of the department for which the supplies are to be purchased, or in case of such officer's absence or inability to act, of the mayor. Purchase of
supplies.

(d) The comptroller shall also superintend the fiscal concerns of the city, and manage the same pursuant to law and the ordinances and resolutions of the common council. He shall keep a separate account with every department for which funds are specially raised by tax, (except those of water and education) or for which funds are raised by assessment for local or other improvement. He shall require all drafts for the payment of any claim against the city to state particularly against which account the drafts are drawn, and shall not permit any specific funds to be overdrawn; nor permit moneys to be drawn from one fund to pay the claims chargeable to another, except as otherwise provided in this act or special acts relating to the city of Auburn. Fiscal
concerns
of city;
accounts;
payment
of claims.

Form of
claims.

Auditing
claims.

Notice of
appeal.

Auditing
claims on
appeal.

(e) The comptroller shall prescribe the form of all claims to be presented against the city (except for the water and educational departments), and the form and substance of the affidavit to be appended thereto and sworn to by the claimant. Whenever any person intends to present for payment a claim against the city, he shall prepare and verify it, and the same shall then be presented to the comptroller for his examination and audit; but this shall not be required as to a claim for a fixed salary, for the principal or interest on a bonded or funded debt, or for the regular or stated compensation of the clerks, teachers, police officers, firemen or appointees in any of the departments. The comptroller shall, twice in every month, cause all claims which have been presented to him for audit to be tabulated and numbered, and copies of such tabulation to be distributed to the mayor, to each member of the common council and to the head of each department. He shall take no action upon any claim until five days after such distribution, and when he shall have taken action thereon, he shall cause copies of all claims and his action upon them, with any reason for such action which he may have to give, to be sent to each, the claimant and the common council; if the claimant be dissatisfied with the audit, he may appeal to the board of estimate and control, by serving notice of appeal, in writing, upon the comptroller and the common council at any time before the first regular meeting of the common council that is held after he receives the comptroller's audit. If the common council, or any taxpayer be dissatisfied with such audit, it or he may appeal to the same board, on behalf of the city, in like manner, by serving notice of appeal upon the claimant, the comptroller and the city treasurer, within ten days after the meeting of the common council at which such claims shall have been reported by the comptroller. The board of estimate and control shall make rules for the procedure upon the hearing of such appeals, and the decision and audit of that board, after hearing upon the appeal to it, shall be final and conclusive as to the amount of the claim; but if there be no appeal from the original audit, it shall in like manner be final and conclusive. Upon the appeal herein provided for, the city treasurer shall take the place of the comptroller as a member of the board. The comptroller and the board of estimate and control, upon an appeal to it as herein provided, shall

have authority to take evidence and examine witnesses in reference to the claim, and for that purpose may issue subpoenas for the attendance of witnesses; and the comptroller and each member of the board of estimate and control is hereby declared to be ex officio a commissioner of deeds. When a claim has been finally audited, it, with the certificate of the comptroller, or in case of appeal with the certificate of the board of estimate and control endorsed thereon shall be filed in the office of the city treasurer, and remain a record therein. All claims and bills ^{Payment of claims.} which are audited by any board or department which has power to audit bills (except the water and educational departments), and all warrants and drafts drawn in payment of any claims or bills against the city (except the water and educational departments), must be presented to the comptroller to be countersigned by him before they are paid from the city treasury; and the city treasurer shall not pay any claims, bills, warrants or drafts unless they are countersigned by the comptroller. A list of all bonds issued by the city shall be kept in the comptroller's office where it shall be open to inspection of any citizen; and when any bonds are paid by the city treasurer, they shall be presented by him to the comptroller for cancellation.

(f) Any person presenting for payment a claim against the city or any board thereof, shall use his own name, or the name of the firm of which he is a member. If any person shall use a name other than his own, or that of the firm of which he is a member, he shall be guilty of a misdemeanor, and any member of any board, or any officer of the city, who shall knowingly approve, audit or pay any such claim shall be guilty of a like offense. The comptroller or city treasurer upon receipt of a complaint under oath and in writing, signed by any citizen, stating that he has reason to believe that any illegal claim has been presented, shall withhold payment of the claim until satisfied of its legality. No claims shall be paid until the time to appeal from the audit thereof has expired, and if an appeal has been taken within such time until the appeal shall have been decided.

(g) The comptroller shall keep an account between the city ^{Monthly statements of accounts of moneys received and paid by treasurer.} and the city treasurer, and for that purpose he shall procure from the banks in which the city's funds are deposited by the city treasurer, monthly statements of the moneys which have been received and paid out on account of the city and he shall

examine the city treasurer's books, accounts and bank books and ascertain as to their correctness and report on the same monthly to the common council.

Annual
financial
statement
of receipts
and ex-
penditures.

(h) The comptroller shall on or before the first Monday of September in each year, render to the common council, verified by his oath or affirmation, a full and accurate statement of the financial condition of the city for the preceding fiscal year, showing the amount of receipts and expenditures of the city since the last annual report, the sources from which the funds have been derived and for what purposes expended; such statement to be in detail, in separate columns, showing the several funds belonging to the city, the amount drawn on each fund, and its then present condition, showing also the several debts of the city, when the same are payable, and the rate of interest on each. He shall perform such other and further duties pertaining to his office, not inconsistent with the provisions of this act or the other laws of the state, as may from time to time be prescribed by the common council. He may appoint such assistants as the board of estimate and control shall prescribe and the common council approve.

Office and
duties of.

(i) City treasurer.—The city treasurer shall have an office in the city hall, which shall be kept open on each day in the year (Sundays and legal holidays excepted), from nine o'clock in the forenoon until three o'clock in the afternoon, or at such hours as the common council may direct. He shall receive all taxes and local assessments, and shall keep at his office all assessments* rolls and warrants, which may be delivered to him by the city clerk or comptroller. He shall keep an account of all receipts and expenditures, and shall enter daily in suitable books the sums received by him for all purposes with the names of the persons or departments on whose account the same are paid. When requested he shall exhibit for the inspection of the mayor, the comptroller, the committee on claims and finance, or any person or committee appointed by the mayor or common council for that purpose, all books and papers in his office. He may appoint such assistants as the board of estimate and control shall prescribe and the common council approve. The city treasurer shall receive and have the care and custody of all moneys of the city and he shall pay them out as hereinafter provided. All moneys of the city re-

Assistants.

* So in original.

ceived by the city treasurer shall be deposited by him daily in one or more banks, banking houses or trust companies in the city of Auburn; which said depositories may be designated by the board of estimate and control, and the said depositories so designated by said board, shall, before receiving any moneys of the city execute a bond to the city of Auburn in such form and in such penal sum as the board of estimate and control shall require and approve, with two or more sureties, to be approved by said board, and justifying in all in double the amount of the penal sum of said bond, which said bond shall be conditioned for the delivery of all said moneys deposited, to the city treasurer or to any other person, company, firm, corporation or association, duly authorized to receive the same or any part thereof, and for the faithful performance of any agreement entered into with the city of Auburn; which bond, when so approved by the board of estimate and control, shall be filed and recorded in the office of the county clerk of Cayuga county. The board of estimate and control may at any time require said depositories to give a bond with additional or new sureties, to be approved, filed and recorded in like manner as the former bond. The interest on such deposits shall belong to the city. No money shall be drawn out of a city depository except on checks or drafts signed by the city treasurer and countersigned by the comptroller, and such checks or drafts shall always be made payable to the person entitled to receive the money, unless such money be drawn for public use in the city treasurer's office, in which case the checks, so signed and countersigned, shall be made payable to the order of said city treasurer. The city treasurer shall keep a separate account of every department for which funds are specially raised by tax, or for which funds are raised by assessment for local or other improvement, and in every check or draft drawn by him, he must state particularly against which account the check or draft is drawn (unless the money is drawn for use in the office); he shall at no time permit any fund to be overdrawn, or draw upon one fund to pay a claim chargeable to another, except as otherwise provided in this act or special acts relating to the city of Auburn; and no money shall be paid out by him unless upon a bill, claim, draft or warrant audited by the proper officer, board or department and in all cases countersigned by the comptroller except for principal and interest upon the bonds of the city. In the absence or in

Bonds of
deposi-
tories of
funds
of city.

Separate
accounts.

ability of the comptroller the mayor may countersign checks or drafts.

(j) Board of estimate and control.—The board of estimate and control shall meet upon the call of the mayor, or as directed by the board. The mayor shall be the president of the board, and the city clerk shall act as secretary thereof. The fiscal year shall begin on the first day of July; on or before the fifteenth day of May in each year, all heads of departments and officers empowered by this act, or by city ordinances, to control or authorize expenditures, (except as provided in section eighty-six of this act) shall furnish to the board of estimate and control estimates in writing of the amount of probable expenditures for the next fiscal year, in their respective departments or offices. On or before the first day in June in each year the board of estimate and control shall make an estimate of the probable revenues to be received by the city and of the several sums of money, which it deems necessary to be raised by tax, to pay the expenses of conducting the business of the city in each department and office thereof, a sum not exceeding fifteen thousand dollars for paving one or more streets designated by the common council, and for state, county and any other lawful purposes; and for the various purposes contemplated by this act, and otherwise by law for the fiscal year, and also to pay the principal and interest of any city and town of Auburn indebtedness falling due during the fiscal year. After it has made such estimate, it shall submit in writing with such reasons for it in detail as it may have to give, to the common council which shall at its next regular meeting consider such estimate. The common council, after due publication of the time and place of hearing, shall hear any taxpayer who wishes to be heard in reference thereto, and after such hearing it may adopt such estimate as is submitted to it, or diminish, or reject any item therein contained, except such as relates to the city debt, and educational and water departments, and adopt by a two-thirds vote the estimate as thus amended; but it shall not increase any item in such estimate for any department, office or purpose. When it shall have adopted the estimates as provided in this act, the same shall be entered at large in its minutes and published in its proceedings; and the several sums in the final estimates so adopted shall be and become appropriated for the several departments, offices, and purposes

Members,
meetings
and duties
of; fiscal
year.

Estimates
of revenues,
when to be
made.

Adoption
of
estimates.

named in the estimates for the ensuing fiscal year; and such estimates shall be known as the tax budget; and the several amounts therein named shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city, at such time and in such manner as is provided in and by the provisions of this act relating to the levying and collection of taxes.

(k) The board of estimate and control shall fix the salary or compensation of all persons in the service of the city, and the time of payment thereof, (except the laborers in the street department, and all persons employed by the board of education and water board) but the salary or compensation so fixed must be approved by a majority of the members of the common council before they go into force or become binding upon the city; but no salary or compensation shall be increased except by a two-thirds vote of the common council. Salaries.

(l) At any time by a unanimous vote, the board of estimate and control may recommend to the common council the issue of bonds for extraordinary expenditures. Such recommendation shall be received by the common council which shall order a public hearing upon the same, and may within thirty days thereafter approve of an issue of bonds to such an amount, of such duration and at such a rate of interest as recommended by the board of estimate and control; but such approval must be by a four-fifths vote of the common council; the common council shall thereupon direct the mayor and city clerk to issue and sell such bonds and deposit the proceeds with the city treasurer. The common council is hereby expressly prohibited from borrowing any money on account of the city except when authorized to create a bonded indebtedness, except as provided in sections thirty-eight, one hundred and five, one hundred and twenty, and one hundred and twenty-two of this act. All bonds issued under the provisions of this title and section; section one hundred and five of title eight and sections one hundred and twenty and one hundred and twenty-two of title ten of this act, shall contain a recital that they are issued pursuant to and in conformity with the provisions of the aforesaid sections and titles (as the case may be) of the revised charter of the city of Auburn, which recital shall be conclusive evidence of their validity and of the regularity of their issue. Extraordinary expenditures.

Borrowing money prohibited.

Validity of certain bonds.

§ 13. Section forty-two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and eighty-two of the laws of eighteen hundred and eighty-nine; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Assessors,
powers and
duties of.

§ 42. The assessors shall perform the duties and possess the powers conferred upon assessors of towns and be subject to like obligations except as otherwise provided by this act. They shall perform all the duties specified in this act in reference to the assessment of property within the city, for the purpose of levying the taxes imposed by the common council, or for defraying the expenses of local improvements, and shall make and deliver to the city treasurer, on or before the eighth day of May in each year, a proper description of the land on which taxes or assessments are levied and unpaid, with the names of the owners or occupants, if known. They shall perform such other duties as the common council shall require and direct.

§ 14. Section forty-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine, is hereby amended to read as follows:

Supervisors,
powers and
duties of.

§ 43. The supervisors shall have the powers and be under the duties of supervisors of towns, under general laws of the state so far as they are consistent with the provisions of this act; and such laws so far as they are applicable, shall regulate such powers and duties. They shall be members of the board of supervisors of the county of Cayuga.

§ 15. Section fifty-two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Bonds of
city officers.

§ 52. The comptroller, city clerk, city treasurer, recorder, city judge, street superintendent, assessors, justice of the peace, and constables of said city, shall, before assuming the duties of their respective offices, execute a bond to the people of this state, in such sum and with such sureties as the board of estimate and control shall fix and approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for, and pay over all moneys received by them respectively, as

according to law, which bonds, with the approval of a majority of the members of the board of estimate and control endorsed thereon, shall be filed in the office of the city treasurer, except the bond of the city treasurer which shall be filed in the office of the city clerk. The board of estimate and control may require each or any of said officers to give an additional or new bond in such penalty as it shall fix, which additional or new bond shall be approved and filed in like manner as the former bond. Any other officer or employee of the city may be required at any time by the board of estimate and control to give a bond for the faithful performance of his duties or the payment of moneys received by him, in a penalty to be fixed by a majority of said board which said bond shall be filed in the office of the city treasurer. If the board of estimate and control shall require the city treasurer to execute and deliver a surety company bond, the premium on said bond shall be paid by the city.

Additional
or new
bonds may
be required

§ 16. Section fifty-four of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 54. In case of the absence or inability of the recorder to act, or of a vacancy in said office, the city judge, or, if he shall be unable or decline to act, then the justice of the peace, shall perform the duties, possess the powers and jurisdiction, and be subject to the liabilities of recorder until he shall resume the duties of his office or until such vacancy shall have been filled in accordance with the provisions of this act. The city judge or justice of the peace shall continue to have jurisdiction in any matter over which he shall, as aforesaid, have acquired it, until he shall have finally disposed of the same. In such cases the justice of the peace shall, after the recorder resumes the duty of his office, receive the same fees as provided for justices of the peace, by law in criminal cases, to be audited and paid as provided by section eighty-one of this act.

Recorder,
absence of
or vacancy
in office of

§ 17. Section fifty-seven of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty; chapter two hundred and thirty-seven of the laws of nineteen hundred and one and chapter four hundred and fifty

of the laws of nineteen hundred and four is hereby further amended to read as follows:

Bonds or undertakings in city court, amount of penalty of. § 57. In an action or proceeding brought in said city court, in which a bond or undertaking is required by law to be given by or on the part of either party, the same shall be in a sum or penalty of not less than fifty dollars, nor more than double the amount claimed by the plaintiff, in the discretion of the city judge. The pleadings in said court shall be in writing, and shall be subscribed by the parties or their attorneys. The complaint may be verified in the manner provided by the code of civil procedure for the verification of pleadings in courts of record, and when so verified the subsequent pleadings (excepting a demurrer) shall be likewise verified. Attorneys who sign pleadings must be such as are admitted to practice in the courts of this state; they shall in no case be required to prove their authority to appear for any party in said city court. In an action commenced in said city court by summons, the complaint may, at the option of the plaintiff or his attorney be served therewith; but in all cases, whether commenced by summons or otherwise, the same shall be filed in said court on or before the time fixed for the return of the process. The summons or summons and complaint may be served by any person of full age, not a party to the action, with the same force and effect in all things, as if served by a constable, and such person is entitled to the same fee for his service. When served by a constable, proof thereof may be made by certificate; when served by another person, proof thereof shall be by affidavit. A subpoena issued out of the city court shall be served by delivering to the witness a copy thereof and at the same time tendering to him his lawful fees for one day's attendance as a witness. A subpoena may be issued by the city judge or by the attorney, qualified to issue a summons under this act, of the party desiring to call the witness named in such subpoena; and when signed by such attorney the subpoena shall have the same force and effect as if signed and issued by the city judge.

Pleadings.

Attorneys, qualifications of.

Summons, filing and service of.

Subpoena, issue and service of.

§ 18. Section fifty-eight of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

§ 58. In an action arising on contract for the recovery of money only, where the complaint shall be verified and the defendant shall fail to appear, or having appeared, shall fail to answer and defend, the court upon motion of the plaintiff or his attorney, and upon filing the summons and complaint, with proof of the service thereof, or with proof of the service of the summons, as in the last preceding section provided, shall forthwith, without further proof, enter judgment for the amount demanded in the complaint with costs. In any action in said court, in which the defendant does not appear, or having appeared, does not answer and defend, and in which, exclusive of costs, the sum or the value of the property recovered shall exceed fifteen dollars, the plaintiff shall recover besides disbursements, costs as follows: For all proceedings, in case the amount does not exceed fifty dollars, three dollars; in case the amount be more than fifty dollars and does not exceed one hundred dollars, five dollars; in case the amount be more than one hundred dollars and does not exceed two hundred dollars, ten dollars; in case the amount be more than two hundred dollars, fifteen dollars. Where issue is joined and trial had, the plaintiff, shall recover for his costs, besides disbursements, the same sums, to be determined by the above provisions, as would be recovered where the defendant did not appear, or having appeared, did not answer and defend, as above provided; and in addition thereto, the plaintiff shall recover an additional sum equal to ten per centum of the sum or the value of the property recovered, exclusive of costs; which additional sum, however, shall in no case exceed fifteen dollars. And in every case where issue is joined and trial had, and the sum or the value of the property, exclusive of costs and disbursements, recovered by the plaintiff shall be fifteen dollars or less, the plaintiff shall recover for his costs, besides disbursements, the sum of five dollars. In any action in which judgment shall be rendered against the plaintiff in favor of the defendant, or of nonsuit, after a trial had, the defendant shall recover from the plaintiff, to be included in the judgment, besides disbursements, five dollars costs; and the court, in its discretion, may allow an additional sum not exceeding fifteen dollars. In any action in which judgment shall be rendered against the plaintiff in favor of the defendant upon a counterclaim or set off the defendant shall be entitled to recover from the plaintiff, for his costs, besides dis-

Judgment on failure to answer or appear.

Costs, when plaintiff entitled to.

Amount of costs.

When defendant entitled to costs.

bursements, to be included in the judgment, the same sum to which a plaintiff recovering judgment in an action, for an amount equal to that awarded defendant on such a counter claim or set off would be entitled, as hereinbefore prescribed, according to the amount recovered. For the purposes of this section, a trial shall be deemed to have been had in a case where such trial has been commenced and testimony has been taken. If the sum claimed or the value of the property sought to be recovered by the plaintiff exceeds fifty dollars and the defendant shall make an offer of judgment in the manner and at the time provided by law therefor in justices' courts, which offer shall be rejected, and if the plaintiff shall fail to obtain judgment for a greater amount exclusive of costs than has been specified in the offer, he shall not recover costs, but the defendant shall recover the sum of ten dollars costs, together with his disbursements accruing subsequent to the offer, which may be set off against any recovery had and judgment entered only for the remainder. All disbursements allowed by law to be taxed in any action or proceeding in said court, including fees, for the use of the city, and constables' fees, whether incurred on the part of the plaintiff or defendant shall be included as disbursements in the judgment, but shall in no case exceed fifteen dollars.

§ 19. Section sixty-two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty; chapter one hundred and eighty-two of the laws of eighteen hundred and eighty-one and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 62. The city judge shall have power from time to time to make, modify and revoke rules of practice for said city court, not in conflict with the provisions of law at the time existing; and such rules, modifications and revocations shall take effect when a copy thereof together with an appropriate order shall be signed by the city judge and entered and filed by him in said court. The city judge shall have power at any time after the commencement of an action, proceeding or hearing, in his discretion, for cause shown, to grant one or more adjournments therein for any purpose for such time and upon such terms as he

Offer of
judgment,
costs upon.

Rules of
practice,
city judge
may make.

Adjourn-
ments.

may deem just; unless the defendant has been arrested, in which case no adjournment shall be had except upon the consent or the request of the defendant. But nothing herein contained shall be construed to deprive a party of the right to any adjournment to which he may be entitled by the provisions of the code of civil procedure relating to justices' courts. The city judge ^{Powers of city judge.} may take informations, issue subpoenas, examine witnesses upon oath, take depositions, and sign and issue criminal warrants; and the city judge may hear complaints and issue warrants for violation of the city ordinances and all other crimes in the same manner as the recorder, but the same shall be entitled in and made returnable before the recorder's court. The recorder, city judge and justice of the peace shall have power to punish for ^{Contempt, power to punish for.} contempt, the same as justices of the peace in towns, and either of them may command the services of any constable of said city to enforce authority and maintain peace while holding court. The city judge, while the city court is in session, shall also have the same powers to preserve order and punish for contempt as are possessed by courts and judges of courts of record. Sections eight, nine and ten of the code of civil procedure are hereby made applicable to said court. Provided, however, that an appeal may be taken from an order adjudging a person in contempt to the county court of Cayuga county in the same manner as an appeal from a judgment. Pending the determination of such appeal, the person so adjudged in contempt, if he has been committed, may be admitted to bail by the city judge or by the county judge of Cayuga county in such an amount and by an undertaking in such form and terms and with such surety or sureties as shall be approved by the judge to whom application for admission to bail is made. The city judge and the recorder ^{Stenographer, salary and duties of.} are hereby authorized and empowered to appoint, and at pleasure remove, a stenographer, who shall act as clerk of the city court and of the recorder's court; such appointment or removal to take effect upon the making and filing in the office of the city clerk by the city judge and recorder of a certificate thereof designating the person so appointed or removed. Said stenographer shall perform such clerical and ministerial duties as the city judge and the recorder shall prescribe, and such other work as may be required by any of the municipal boards,

Jurisdiction of justice of the peace.

commissions or departments. He shall receive a salary to be fixed, increased, and diminished as prescribed in this act. The justice of the peace shall have jurisdiction in civil actions and proceedings cognizable by law in justices' courts of towns, whether commenced by warrant, attachment, summons or otherwise, or whether on contract or otherwise, except that within the city of Auburn the city court shall have exclusive jurisdiction as against said justice of the peace, as provided in section two, of this act; but in a case where a summons shall have been issued by said justice of the peace against a resident of Cayuga county outside the city of Auburn, such summons may nevertheless be served upon such defendant within said city of Auburn, and the process, pleading, practice, costs, judgments, and all proceedings thereon shall be the same as in justices' courts in towns. He shall, when thereunto required, perform the duties of either the city judge or recorder; and shall then have the powers and discharge the duties of those officers respectively, and shall be paid for his services (except as by this act otherwise provided), by the officer whose place shall have been so filled by him. When the city judge is disqualified from acting in, or when he is unable to dispose of any cause or causes pending in said city court, he may direct the justice of the peace to hold a city court, and to try any of such pending case or cases therein as he may designate, which direction shall be in writing, and shall also certify and deliver the pleadings and proceedings therein to said justice and thereupon the said justice shall proceed to try and determine, said designated actions, and while so engaged shall have the same power and jurisdiction therein as the city judge, and in such cases the same costs shall be recovered as are provided by law to be recovered in said city court, except that no fees for the use of the city shall be taxed. The justice of the peace when so acting shall be entitled to demand and receive for his own use the fees prescribed by law for justices of the peace, to be paid by the parties to the actions he shall so try.

Powers of justice of the peace when acting as city judge or recorder.

§ 20. Section sixty-nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine is hereby amended to read as follows:

Unclaimed property, disposition and account of.

§ 69. It shall be the duty of the recorder, on the first Monday in May in each year to deliver to the mayor an account, under

oath, of all money, goods or merchandise, remaining unclaimed in his office or the police office, and immediately thereafter give notice by publication, three times in the daily newspapers in said city, to all persons interested in or claiming such property, that unless claimed by the owner, with satisfactory proof of such ownership, before a specified day, not less than one week, the same will be sold at auction to the highest bidder, on a day and place specified in such notice. All property, except money, remaining unclaimed, shall be sold under the direction of the recorder, at the time named in such notice, except perishable property or property which shall be expensive to keep which may be sold at any time at public auction after such notice as to the said recorder shall seem proper. After deducting the expenses of advertising the sale, the recorder shall immediately pay to the city treasurer the proceeds thereof, together with all such money remaining unclaimed in his hands.

§ 21. Section seventy of chapter fifty-three of the laws of eighteen hundred and seventy-nine is hereby amended to read as follows:

§ 70. Upon satisfactory proof of ownership, the recorder shall deliver to the owner any property, of which he shall obtain possession, on receiving the necessary expenses of preserving the same, unless the district attorney shall direct that stolen property be held, in which case all stolen property in the hands of the recorder shall remain unsold and undelivered, for the purpose of being used as evidence.

§ 22. Section seventy-one of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 71. There shall be a police department and a charities department. The mayor shall appoint as head of the police department a commissioner of police and as head of the charities department a commissioner of charities. These commissioners shall hold office at the pleasure of the mayor. They shall make, subject to the approval of the mayor, rules and regulations for the management of their respective departments.

§ 23. Section seventy-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and

ninety-five and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

Police officers, appointment and terms of: dismissal of.

§ 73. The commissioner of police shall appoint from the number so employed a chief of police, a captain of police, and roundsmen or special officers; each policeman shall hold his office during good behavior unless he resigns, is incapacitated or dismissed. Any policeman may be publicly reprimanded or suspended with or without forfeiture of pay, for a period not exceeding twenty days, by the chief of police, or may be deprived of any official position he holds in the department and reduced to the ranks, or dismissed by the commissioner of police, for the commission of any criminal offense, neglect of duty, violation of the rules and regulations of the police department, disobedience of orders, absence without leave, corrupt or improper conduct or conduct unbecoming an officer, breach of discipline or incapacity. No member of the police force shall be dismissed by the commissioner of police until after an opportunity is given him to be heard, upon a notice of six days accompanied by a copy of the charges preferred.

§ 24. Section seventy-four of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and two and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 74. The common council shall have power to establish a fund to be known as the "police relief and pension fund". The board of estimate and control shall, subject to the approval of the common council, provide for the same. Such fund shall be maintained, managed and controlled by the comptroller of the city, who shall be the trustee of the fund for the purposes for which it was created. The commissioner of police shall, subject to the approval of the board of estimate and control, establish rules and regulations for the distribution and payment of relief and pensions to sick, disabled or retired members of the police force.

§ 25. Section seventy-eight of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 78. The commissioner of charities shall possess the powers and execute the duties of overseer of poor in towns, and may

Police relief and pension fund.

Commissioner of charities, powers of.

appoint a superintendent of charities and such assistants as the board of estimate and control shall prescribe and the common council approve, to aid in the discharge of his duties. The superintendent of charities shall investigate the character, habits, location of residence, condition and necessities of all applicants for assistance and relief, the result of which shall be recorded in a book to be kept for that purpose. He shall hold office during good behavior and shall not be removed by the commissioner of charities until after an opportunity is given him to be heard upon a notice of six days accompanied by a copy of the charges preferred.

Superintendent of charities, duties of.

§ 26. Section seventy-nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 79. The commissioner of charities shall adopt uniform rules and regulations by and under which assistance or relief shall be administered and shall prescribe the manner in which orders therefor shall be issued and signed. He shall have the power, when practicable, to furnish temporary employment to indigent persons applying for relief, who are chargeable to the city of Auburn, agree with such person on the compensation to be paid therefor, and pay the same in money. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed; if any person to whom the same shall be furnished, shall sell or exchange the same for money or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

Rules for relief of indigent persons.

§ 27. Section eighty-one of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 81. On and after the date this act takes effect all charges, claims and demands heretofore by any statute of this state or otherwise made charges against the town of Auburn, shall be city charges and be presented, audited and paid in accordance with the provisions of this act for claims against the city of Auburn; and the town board of the town of Auburn shall not

Claims against town of Auburn be city charges.

meet for the purpose of auditing accounts or allowing or rejecting charges, claims and demands.

§ 28. Section eighty-two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 82. On or before the first day of September in each year, the commissioner of charities shall submit to the common council, an annual report of the affairs of his department.

All outstanding bonds issued for claims audited for the charities department, and interest, and bonds to be issued for claims outstanding against the charities department and town of Auburn on May first, nineteen hundred and five, together with the amount of expenses estimated as necessary and approved by the common council to meet the probable expenditures of the department of charities for the months of May and June, nineteen hundred and five, shall be included in the annual tax budget and collected in the same manner and at the same time as the annual tax. The mayor and city clerk shall, on demand of the commissioner of charities and comptroller, issue a bond for the amount of claims outstanding against the charities department and the town of Auburn on May first, nineteen hundred and five, and audited by said commissioner of charities and comptroller; said bond and interest thereon to be payable at the office of the city treasurer on August first, nineteen hundred and five. On or before the fifteenth day of May, nineteen hundred and five, the commissioner of charities shall furnish to the board of estimate and control an estimate in writing of the amount of probable expenditures for the months of May and June, nineteen hundred and five, in his department.

§ 29. Section eighty-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 83. The city treasurer as railroad commissioner shall annually report to the common council the matters required in section seventeen of the general municipal law.

Report of
commissioner of
charities.

Bonds
issued and
claims
audited for
charities
department
on May 1,
1905, to be
included in
tax levy.

Report of
city treasurer
as
railroad
commissioner.

§ 30. Section eighty-five of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter four hundred and ninety-eight of the laws of nineteen hundred and two and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 85. The assessors shall complete the assessment rolls of said city on or before the twentieth day of May of each year, and shall cause a notice to be published continuously for the next seven days in all the daily newspapers published in said city, in substance that the assessment rolls are completed and left in the assessors' office where the same may be seen and examined, and that the assessors will meet at their said office, on the day following the first publication of said notice, from nine o'clock in the morning until four o'clock in the afternoon, and on each of the five following days, between the hours aforesaid and on the evenings of said days, between the hours of seven and nine o'clock to review their assessment. They shall make two copies of each of said assessment rolls, as corrected and revised, one of which they shall deliver to the city clerk on or before the tenth day of June in each year, and the other of which, (one copy of the roll of each ward) they shall deliver, on or before the first day of October of each year, to the city clerk, who shall ascertain and set down in each copy the total assessed valuation of the real and personal property and special franchises, and when said total valuations have been completed by the city clerk and approved by the comptroller, the said assessment rolls shall be delivered, by the city clerk, to the chairman or clerk of the board of supervisors on or before the twentieth day of November of each year. When reviewing or correcting any tax or assessment, the assessors may add to or insert in the same, any property liable to taxation or assessment, which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property, either by personal service or by mailing a copy of the same to said owner, agent or occupant, according to the best information the assessors can obtain. Said assessment rolls to be delivered to the city clerk, shall have columns so ruled that the relative proportions of the installments (as fixed by the board of estimate and control) payable on

Assessments, completion and review of.

Filing assessment rolls.

Review and correction of assessments, proceedings upon.

Form of assessment rolls.

the first day of July and first day of January respectively, may be placed in separate columns; and columns also ruled for adding local improvement assessments or taxes to the July installment. The assessors in making up the assessment rolls, for the year nineteen hundred and six and each year thereafter, shall set down the value of real estate in three columns; in the first column shall be given, opposite each separately assessed parcel of real estate, the sum for which such parcel under ordinary circumstances would sell if wholly unimproved; in the second column shall be set down the estimated value of the improvements upon such parcel; and in the third column shall be set down the sum for which the said parcel under ordinary circumstances would sell, with the improvements, if any, thereon.

§ 31. Section eighty-six of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter thirty-nine of the laws of eighteen hundred and eighty-four; chapter two hundred and twenty-one of the laws of eighteen hundred and eighty-four; chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter six hundred and thirty-three of the laws of eighteen hundred and eighty-seven; chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine; chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five; chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven; chapter two hundred and fifty-five of the laws of eighteen hundred and ninety-eight; chapter four hundred and seventy-four of the laws of nineteen hundred; chapter one hundred and seventy-six of the laws of nineteen hundred and one; chapter six hundred and thirty-one of the laws of nineteen hundred and one; chapter four hundred and ninety-eight of the laws of nineteen hundred and two and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 86. The board of education shall annually file with the board of estimate and control, not later than the fifteenth day of May, its certificate and report of the amount of money to be included in the tax budget for the expenses of the public schools under the charge of said board for the ensuing year. The water board of the city of Auburn shall annually establish and file with the

Board of
education,
report
and esti-
mate of.

Water
board, esti-
mate for.

board of estimate and control, not later than the fifteenth day of May, an amount to be paid by the city, not exceeding fifteen thousand dollars, for a supply of water for the fire department, for fire protection, water used by the city in flushing and sprinkling streets, flushing sewers, for watering troughs and in its public buildings other than school buildings. In addition to which amount the board of estimate and control may in each year add to the tax budget a sum (subject to the approval of the common council), not exceeding three thousand dollars for contingent expenses of the city.

§ 32. Section eighty-seven of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five; chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven; chapter one hundred and seventy-five of the laws of nineteen hundred and one and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 87. On or before its first regular meeting in May in each year, the common council may designate one or more streets to be paved. When the common council, upon the estimate of the board of estimate and control, shall determine to pave one or more streets, pursuant to the provisions of this section, it shall cause a notice to be published for six days in all the daily newspapers published in said city, particularly specifying the street or streets or parts thereof intended to be paved and requiring all persons, corporations and companies, and city departments, including the water board of the city of Auburn, within the time limited in said notice, which shall not be less than thirty days, to do such excavating in, lay such new mains and pipes, and make such repairs of and connections with, existing gas and water mains, sewers, pipes, and connections therewith as may be necessary or liable to be required within a period of two years next thereafter, in and through the street or streets or parts thereof to be paved, and the paving thereof shall not be commenced until the expiration of the time stated in such notice. Copies of such notice shall be served by mail within five days from

Street paving,
notice
cf.

Service of
notice.

the date of first publication of said notice, upon all corporations, companies and municipal departments owning or having charge of pipes or mains laid in said street or streets or parts thereof to be paved. After such paving is completed, the common council shall not, nor shall the water board of the city of Auburn, or any other city department, person, corporation or company be authorized, permitted or allowed, for the period of two years, to excavate for any purpose whatever in the street or streets or part or parts thereof so paved, except that if existing mains, sewers, pipes or connections therein shall leak, become broken or in such condition from any cause as to require immediate repair, that could not have been made prior to such paving being done, such repairs may be permitted by the mayor or common council upon written application therefor, at such times and under such conditions and restrictions as the common council may provide by ordinance or otherwise.

§ 33. Section eighty-eight of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 88. All sums adopted by the common council in the tax budget and as provided in section one hundred and five of this act, shall be assessed on all real and personal estate in the city (except city property and property exempt by law), according to the valuation of the same in the assessment rolls for said year, and shall be regarded and known in all proceedings as "tax", and become due on the first day of July in each year; such tax shall be payable in two installments; the first installment shall be payable on the first day of July in each year and the second installment shall be payable on the first day of January following. The relative proportions of the installments to become payable on the first day of July and first day of January respectively, shall be fixed by the board of estimate and control and reported to the common council on or before the first regular meeting in June in each year, but the July installment shall not be less than sixty per centum of the whole of said tax and the January installment not more than forty per centum of the whole of said tax. The city treasurer shall each year receive and collect the relative proportions of the installments payable on the first day of July and first day of January respectively. All amounts payable upon

Paving not
to be dis-
turbed for
two years.

Taxes to be
paid by in-
stallments;
payment of
taxes.

the first day of July shall become delinquent on the first day of August and all amounts payable upon the first day of January shall become delinquent on the first day of February; and after said respective dates, one per centum per month shall be added thereto and collected thereon by the city treasurer, which percentage or interest, shall belong to the city.

§ 34. Section eighty-nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 89. The city clerk, under the direction of the common council, shall extend and apportion the said taxes on said assessment rolls, and when extended and apportioned, and approved by the mayor and comptroller as correct, a warrant shall be annexed thereto, signed by the mayor and city clerk, in substance commanding the city treasurer to receive, levy and collect, according to the provisions of this act, the several sums in said assessment rolls specified, as assessed and taxed against the persons or property therein described, and the city clerk shall deliver the same to the city treasurer on or before the thirtieth day of June; and thereafter the respective amounts assessed and taxed therein shall be a lien upon the lands upon which the same is assessed and taxed.

Taxes, extension of; warrant for collection of.

§ 35. Section ninety-one of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby further amended to read as follows:

§ 91. Upon receiving said assessment or tax rolls, the city treasurer shall cause a notice to be published daily during the month of July, in the daily newspapers published in said city, stating that he has received the same, and that during the month of July he will receive the July installment of taxes at his office without percentage, and that thereafter one per centum per month will be added and collected; he shall also cause a notice to be published daily during the month of January, in the daily newspapers published in said city, stating that during the month of January he will receive the January installment of taxes at his office, without percentage, and that thereafter one per centum per month will be added and collected.

Notice for collection of taxes.

§ 36. Section ninety-two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby further amended to read as follows:

Extension
of time for
collection
of taxes.

§ 92. The common council may extend the time for the collection of any tax or assessment which has become a tax, for one month, by directing the mayor and city clerk to make an endorsement upon the warrant specifying the time that the same is extended and when to be returned, and such extension shall be considered merely a continuance of the time of such warrant.

§ 37. Section ninety-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby further amended to read as follows:

Unpaid
taxes,
notice for
payment of.

§ 93. On or before the fifteenth day of March, the city treasurer shall give notice, in writing, to every person whose tax or assessment is unpaid. The notices shall bear even date and shall, in substance, require such person to pay said tax or assessment with one per centum, in addition to the percentage already incurred, before the first day of April. Said notice may be served by placing the same in an envelope securely sealed and duly depositing the same in the postoffice in said city, properly directed to such person and the postage prepaid thereon; such service shall be equivalent to personal demand of the payment of such tax or assessment of the person so notified. A failure to serve such notice shall not affect the validity of such assessment or any proceeding taken to enforce the collection thereof.

§ 38. Section ninety-four of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five and chapter four hundred and ninety-eight of the laws of nineteen hundred and two is hereby further amended to read as follows:

Collection
of unpaid
taxes by
distress and
sale of
property.

§ 94. At the expiration of said month of March the city treasurer shall issue his warrant, under his hand and the seal of said city, to any constable or constables of said city, commanding him or them to levy the tax or assessment, and five per centum thereon for his fees, by distress and sale of the goods and chattels of the person upon whose real or personal property

the tax or assessment is levied, or of any goods or chattels in his or her possession, wherever the same may be found, in said city, and pay the same over to the city treasurer within thirty days from the date of such warrant. The constable or constables to whom such warrant or warrants shall be issued, shall give at least five days' public notice previous to the sale, by advertisement to be posted up in at least three public places in said city, and no claim of property made to such goods and chattels so found in the possession of such party, shall be available to prevent a sale. If the property shall be sold for more than the amount of the tax or assessment and percentage, the surplus shall be disposed of as provided by law. If said constable or constables shall be unable to collect said taxes or assessments, he or they shall at the expiration of said thirty days, make return by affidavit, to the city treasurer, of the person or persons whose taxes or assessments he or they have not been able to collect. Whenever any tax levied or assessed upon any person, copartnership, corporation or property, with the fees, interest, additions and expenses which have by law been added thereto, shall remain unpaid for three months after the warrant for its collection has been placed in the hands of the city treasurer, he may maintain an action in his name of office, for the amount of such tax, fees, additions and expenses remaining unpaid and uncollected, against any person, copartnership or corporation liable for such tax, or the representatives of such corporation, copartnership or person, in any court of competent jurisdiction in which the proceedings, costs, judgments, supplementary proceedings thereon, (which supplementary proceedings are hereby authorized and given, irrespective of the amount of the judgment recovered) and executions shall be the same, and with like effect as in actions between public officers and individuals, and in civil actions generally under the code of civil procedure; the amount collected by any such action or proceeding shall be used and applied by said city treasurer in the same manner as though the same had been collected by the sale of real estate under the provisions of this act, relating to the collection of unpaid taxes, and the same costs and disbursements may be allowed against the person examined as in such supplementary proceedings, but none shall be allowed against the city. The warrant delivered to the city treasurer shall be presumptive evi-

Actions to
recover un-
paid taxes.

dence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law. A judgment in such action in favor of the city, shall not release or in any manner affect the lien of any tax or assessment until satisfied and nothing in this section contained shall be construed or held to repeal or abridge any other remedy or power given for the collection of taxes in the city of Auburn.

Section re-
pealed.

§ 39. Section ninety-five of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby repealed.

§ 40. Section ninety-six of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter four hundred and ninety-eight of the laws of nineteen hundred and two is hereby further amended to read as follows:

Sale of
lands for
unpaid
taxes,
contents
and publi-
cation of
notice of.

§ 96. The city treasurer shall, immediately after the tenth day of May in each year, cause to be published twice in each week in two daily newspapers published in said city, for six weeks, a proper description of the lands on which taxes are levied and unpaid, with the names of the owners or occupants, if known, the amounts and nature of the taxes with a notice in substance, that if the same are not paid to him, with ten per centum on the July installment and five per centum on the January installment, and the expenses of publication added thereto, on or before the fourth Tuesday of June next thereafter, that he will sell the lands on which or in respect to which they are imposed, or cause the same to be sold at public auction, to the highest bidder, at twelve o'clock (noon) on that day from the steps of the city hall in the city of Auburn, to pay the taxes, fees, interest and expenses thereon, which may remain unpaid at the time of such sale. Should any errors be discovered in the description of the land so assessed and taxed, the city treasurer may correct the same at any time previous to the sale. In the event that the same land shall be twice assessed and taxed, and the taxes thereon once paid, the city treasurer shall return one of such amounts to the common council, which shall provide for the deficiency arising therefrom. On the day and at the

hour named in said notice, the city treasurer shall commence the sale of said real estate and shall continue such sale from day to day until the whole thereof shall be sold. If from sickness, absence from the city or other cause, the city treasurer is unable to conduct and make said sale he or in his absence, the mayor, may by an instrument in writing, filed in the office of the city clerk, designate the city clerk, city judge or comptroller to conduct such sale, sell said property and execute the necessary certificates and papers in connection therewith; the officer so designated shall possess the same powers, in all matters pertaining to said sale, and executing said certificates and other papers as is possessed by the city treasurer; such sale so conducted and made, certificates and other papers so executed, shall have the same validity, force and effect in all things, that they would have had if made and executed by the city treasurer personally. The purchasers on such sale shall pay the amounts of their respective bids immediately after each parcel shall be declared sold to them. In case a purchaser shall fail to pay the amount of his bid as herein required, the city treasurer shall forthwith offer the parcel for sale again and proceed as though it had not been declared sold. If the real estate or any parcel thereof, shall sell for more than the amount of the tax, interest, additions and expenses aforesaid, the surplus shall be paid by the city treasurer into the county court of Cayuga county, by delivering the same to the clerk thereof, accompanied by a statement of the facts connected therewith, and such court shall ascertain and determine, upon application made to it for that purpose, by any person interested, who is entitled to such money, and if it shall appear that such proceedings are valid and regular, shall order and decree its distribution and payment to the person or persons entitled thereto.

Sale of
lands by
city treasurer.

Resale of
lands on
failure of
purchaser
to pay
amount of
his bid.
Surplus,
disposition
of.

§ 41. Section ninety-seven of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five is hereby further amended to read as follows:

§ 97. The city treasurer shall execute to such bidder, a certificate of sale in which the lands purchased shall be described and the sum paid therefor and the nature of the tax shall be specified. Every such certificate shall be presumptive evidence that the sale and all proceedings prior thereto, from and including the

Certificate
of sale to
be delivered
to bidder.

assessment of the lands, were regular and according to the provisions of this act and all laws in any manner relating thereto.

§ 42. Section ninety-eight of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five is hereby further amended to read as follows:

When lands
may be sold
to the city

§ 98. If for any of said lands no bid shall be made, or if the highest amount bid shall be less than the tax, interest, additions and expenses thereon, the city treasurer shall declare the same sold to the city of Auburn, and in a book kept for that purpose shall enter said declaration with the description of said land, and the amount of the tax, interest, additions and expenses thereon, and he may subsequently transfer the certificate of the same to any person who will pay the amount chargeable thereon. If the taxes on such lands thereafter and before the city is entitled to the certificate hereinafter provided for, are not paid, the city treasurer shall certify that fact to the common council who

City to ac-
quire abso-
lute title if
land is not
redeemed.

shall order the same paid from the contingent account. If such land is not redeemed as hereinafter provided, said corporation or its assigns shall acquire an absolute title in fee and thereupon the mayor shall execute a certificate reciting said facts, which certificate may be acknowledged and recorded in the same manner as deeds of real estate, and said certificate or a copy thereof, duly authenticated shall be presumptive evidence in all courts and places, of the facts therein stated and of the regularity and correctness of said sale and of all proceedings prior thereto. All of the provisions of section one hundred and two of this act shall apply to the city when lands are so declared sold to it, and the city treasurer shall give the notice and do and perform all the acts therein required to be done and performed by a "purchaser" before the city shall acquire the absolute title in fee to the real property so declared sold to it.

§ 43. Section one hundred of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred thirty-six of the laws of eighteen hundred and ninety-five; and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Lands sold
for taxes,
period for
redemption
of; deed
granting
fee to pur-
chaser.

§ 100. If the land so sold for taxes shall not be redeemed in two years after such sale, as provided in the preceding section, the common council, upon proof by affidavit being filed with it, that

the purchaser has complied with the provisions of section one hundred and two of this act, shall direct the mayor, to execute and deliver to the purchaser, his legal representatives or assigns, a deed under the corporate seal of the city, which deed shall contain the date thereof, the fact of the assessment, a description of the lands, the advertisement and sale and that such lands have not been redeemed within the time required by law, and shall be presumptive evidence in all courts and places, that such assessment and tax were legally imposed and that due proceedings to authorize said sale were had. Such deeds shall vest in the grantee an absolute estate in fee.

§ 44. Section one hundred and two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five is hereby further amended to read as follows:

§ 102. Notice shall be given by the purchaser of any real property sold for taxes under the provisions of this act, to the owner in fee occupant, guardian of any infants having an interest therein, mortgagee, judgment creditor whose judgment is a lien thereon, purchaser upon any prior tax sale of the same property, or the heirs and assigns of any or either of them, at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall be written or partly written and partly printed and shall state briefly the lot or parcel of land to be redeemed, the amount of the tax, additions, interest and expenses required to be paid upon such redemption, and that the money therefor is to be paid to the city treasurer for the use of the person giving such notice. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of any and all persons entitled thereto if they or either of them reside in the city of Auburn or have a place of business therein; in case they or either of them, do not reside or have a place of business in said city, such notice shall be deposited, enclosed in a sealed envelope, postage paid, in the postoffice addressed to them at the postoffice at or nearest their known place of residence; if the residence or address of any such person or persons be not

Notice of
redemption
to owner
or occupant.

Contents of
notice.

Service of
notice.

known, such notice shall be published at least once a week for three months prior to the day therein named as the last day for redemption, in the newspapers in which the notice of sale was originally published. The expense of mailing and publishing such notices and of all necessary official searches to ascertain the persons entitled to such notice, shall be certified to the city treasurer by the person incurring or paying the same, and if received by said city treasurer before such land is redeemed, the amount thereof shall be added to and become a part of the amount required and necessary to be paid for the redemption of said real property. Such notices shall not be served, nor shall the publication thereof when required, be commenced within eighteen months after the date of the certificate. If any person having a lien by mortgage or judgment upon the lands so sold for taxes, or purchaser at any prior tax sale of the same property, shall redeem from such sale he shall have a further lien on the premises for the amount paid, with the interest which may thereafter accrue, at six per centum per annum, in like manner as if the same had been included in his mortgage, judgment or certificate of sale, and the sale shall have no further effect, the words "he" and "his" as used in this and the last three preceding sections comprehend, include and refer to all purchasers upon tax sale and persons redeeming therefrom whether male or female and whether a natural person or corporation. The word "person" includes a corporation as well as a natural person.

§ 45. Section one hundred and three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 103. The provisions of the revised charter of the city of Auburn in force at the time of tax sales held previous to the date this act takes effect, shall apply to and govern purchases made at said sales, and the issuance of tax certificates and deeds thereunder.

§ 46. Section one hundred and four of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter three hundred and forty-eight of the laws of eighteen

Redemption by
lienar.

Application
of provisions of
revised charter.

hundred and ninety-nine is hereby further amended to read as follows:

§ 104. The board of supervisors of the county of Cayuga, shall in each year equalize the assessment rolls delivered to its chairman or clerk, by the city clerk, with those of other towns of the county, as required by law, and shall by resolution, ascertain and direct the amount of tax to be levied in the city for the state, county and any other lawful purposes, and shall not cause the said state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall on or before the first day of January in each year, certify such resolution under seal of the county to the comptroller of the city; and of the amount so certified, one-half shall be paid on or before the first day of February, and the balance on or before the first day of March next succeeding such certification, by warrant of the comptroller of the city drawn upon the city treasurer and payable to the order of the county treasurer, who shall disburse the same in liquidation of the amount so certified.

Equalization of assessments; state tax levy.

§ 47. Section one hundred and five of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby further amended to read as follows:

§ 105. On or before the first day of June in each year, the board of estimate and control shall make an estimate of the probable amount necessary to defray the amount of tax to be levied in the city, for the state, county and any other lawful purposes; and shall also include in said estimate, the amount necessary to pay any outstanding Southern Central railroad bonds, and interest thereon, due and payable in the succeeding fiscal year; and shall submit the same, in writing, with such reasons for it in detail as it may have to give, to the common council which shall at its next regular meeting consider such estimate. The common council, after due publication of the time and place of hearing, shall hear any taxpayer who wishes to be heard in reference thereto, and after such hearing it may adopt such estimate as is submitted to it, or diminish or reject any item therein contained, except such as relates to any bonded indebtedness and interest thereon, and adopt by a two-thirds vote the estimate as thus amended; but it shall not increase any item in such estimate for any department, office or purpose; when it shall have adopted the estimate as

Estimate for state and county tax, etc.

Notice of hearing before common council.

herein provided, the same shall be entered at large in its minutes and published in its proceedings; and the several sums in the final estimate so adopted shall become appropriated and such estimate shall be added to and become a part of the city's tax budget, and the several amounts therein named shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at such time and in such manner as is provided in and by the provisions of this act relating to the levying and collection of taxes. If, when the certificate of amount of tax to be levied in the city for the state, county and any other lawful purpose, is received from the board of supervisors, it is ascertained that a sufficient sum has not been included in the annual tax budget to defray same, the board of estimate and control, shall recommend to the common council that a bond for such an amount as will pay the deficiency, be issued, and the common council on receipt of such recommendation shall direct the mayor and city clerk to issue a bond of the city for said amount, at a rate of interest not exceeding five per centum per annum, said bond and interest thereon to become due and payable at the office of the city treasurer on the first day of August next succeeding the date of issuance of said bond. The amount of said bond and interest payable thereon shall be included in the annual tax budget next succeeding the date of issue of the said bond. If after said certificate is received, it is ascertained that more than a sufficient amount has been included in the annual tax budget to pay the sum called for, the board of estimate and control shall deduct the surplus from its next estimate of the probable amount needed to defray the tax for state, county and any other lawful purposes specified in section one hundred and four of this act.

Insufficient
estimate,
bonds to
pay def-
iciency.

Section re-
pealed.

§ 48. Section one hundred and six of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby repealed.

Section re-
pealed.

§ 49. Section one hundred and seven of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby repealed.

§ 50. Section one hundred and eight of chapter fifty-three of the laws of eighteen hundred and seventy-nine is hereby amended to read as follows:

§ 108. All lands which shall have been used by the public as a street for twenty years or more shall be a street with the same force and effect as if it had been duly laid out and recorded as such.

Streets used for twenty years.

§ 51. Section one hundred and sixteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three; chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven, and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 116. The common council may open, lay out, straighten, widen or alter streets, highways and public lanes, and make, alter or repair sewers. The common council may establish and create independent sewer districts within which the cost of all sewers constructed shall be assessed upon and paid by all property therein situate, as hereinafter provided, and may, from time to time, upon application made therefor and cause shown, alter and change the same. Whenever the common council shall direct the opening and laying out of a new street, or the alteration of an existing street, or whenever any real estate or interest therein shall be required for any municipal purpose whatever, the common council may acquire for the city, the necessary land and real estate by gift or by purchase at a price approved of by the board of estimate and control, or by condemnation proceedings conducted under the provisions of this act and the code of civil procedure of the state of New York. If the city of Auburn shall require any real estate or interest therein adjacent to said city for any municipal purpose whatever, the common council may acquire for the city, the necessary land and real estate by gift or by purchase at a price approved of by the board of estimate and control, or by condemnation proceedings conducted under the provisions of the code of civil procedure of the state of New York. The common council and those acting by its direction may enter upon the said lands required for the city and make a survey and map of the same. When the proposed improvement relates to a sewer, the survey and map shall show the whole route of the proposed sewer from its commencement to its termination. The common council shall cause notice

Opening and repair of streets, highways and sewers.

Acquisition of land for street purposes.

Notice of
improvement.

to be published for six days in two daily newspapers in said city, briefly describing the proposed improvement and if it relates to a sewer, its commencement, route and termination and shall require all persons interested to attend the common council at the time and place appointed when an opportunity shall be given them to be heard in the premises. At the time appointed, the common council shall hear the persons interested, and may thereupon make such order as to it shall seem proper.

§ 52. Section one hundred and seventeen of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby further amended to read as follows:

Lands for
proposed
improvement,
acquisition
of.

§ 117. The common council may declare its intention to purchase or take lands for the proposed improvement, and thereupon the common council may purchase said lands at a reasonable compensation as provided by section one hundred and sixteen of this act; and in case the common council is unable to so purchase said lands or any parcel thereof, it may condemn the same in the manner prescribed in title one of chapter twenty-three of the code of civil procedure of the state of New York.

Section re-
pealed.

§ 53. Section one hundred and eighteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby repealed.

Section re-
pealed.

§ 54. Section one hundred and nineteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby repealed.

§ 55. Section one hundred and twenty of chapter fifty-three of the laws of eighteen hundred and seventy-nine, as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter four hundred and eighty-two of the laws of eighteen hundred and eighty-nine; chapter two hundred and seventeen of the laws of eighteen hundred and ninety; chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five; chapter three hundred and forty-eight of the laws of eighteen hundred and ninety-nine and chapter four hundred and fifty of the laws

of nineteen hundred and four is hereby further amended to read as follows:

§ 120. The common council after notice to parties interested and hearing thereon, and after confirmation or correction of the report of the commissioners if lands are taken, may make, alter or repair sewers, and may purchase any material needed and cause the labor to be done by or under the direction of the street superintendent, or may cause the same to be done by contract, in which latter case, it shall cause a notice to be published for six days in two daily newspapers published in said city, describing briefly the sewers to be constructed, altered or repaired, and that sealed proposals to contract therefor, or for some part thereof to be specified will be received by the mayor up to the time named in said notice. Each sealed proposal shall be accompanied by a certified check, payable to the order of the city of Auburn for such amount as the common council shall designate, to become and be the property of the city, if such proposal be accepted and the person, persons or corporation making it does not, within fifteen days after notification of its acceptance, enter into and execute a contract to do such work in conformity with the specifications and the proposal accepted and execute and deliver concurrently therewith, a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars, by the contractor. Instead of such certified check each sealed proposal may be accompanied, in the first instance by a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars. At the next meeting of the common council after the date named in said notice, the mayor shall present all sealed proposals with all bonds and certified checks accompanying the same, received by him and the same shall be opened and considered. The common council may reject any or all of the proposals if it deem it for the interest of the city so to do. If a proposal which shall be considered favor-

Construction or repair of sewers may be done by city or by contract.

Proposals, notice of.

Proposals may be accompanied by bond.

Proposals may be rejected.

Payments
on con-
tract.

able to the city is so received, and the check or bond accompanying the same is acceptable the common council may direct the mayor to contract with the party making such proposal. The common council may at any time when a sewer is being constructed, altered or repaired, whether within or without a sewer district, pay to the contractor such portion of the contract price not exceeding eighty-five per centum of the value of the work then done, as it may deem advisable, but such payment if made shall not be an acceptance of that portion of the sewer then completed, or a waiver of any of the rights of the city, with reference thereto. Such payments may be made from the general city fund, or the common council may borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to make such payments, in which event it shall direct the mayor and city clerk to execute and deliver to the person or corporation from whom said money is borrowed, an obligation therefor, signed by them payable at the city treasurer's office at the time when the contract for said improvement provides the work shall be fully completed, and when due may extend the time of payment of said obligation if necessary, but not beyond the time when said improvement is actually completed. If any sewer whether within or without a sewer district shall be constructed, altered or repaired by the common council as hereinbefore authorized, it may borrow the money required therefor as needed during the progress of the work, in the same manner as last hereinbefore provided. When a sewer or the repair or alteration thereof is completed, or a street laid out, opened, straightened, widened or altered, the common council shall determine the aggregate cost of the improvement, including interest paid or payable upon any obligation given as hereinbefore provided, and all other disbursements connected therewith, and if the improvement is a sewer constructed, altered or repaired, within a sewer district created as hereinbefore authorized, shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to pay for such improvement, and shall direct the mayor and city clerk to issue ten bonds, signed by them, for the principal and interest thereof, each bond to be one-tenth of the whole amount as near as may be, payable at the city treasurer's office in said city, one in one year from their date, and one each suc-

City may
borrow
money for
construction
and
repair of
sewers and
issue bonds
therefor.

Payment
of bonds.

cessive year thereafter. The common council shall thereupon add to such ascertained cost interest upon the whole amount of said bonds, until the same become by their terms due and payable, and shall by resolution direct the city clerk to divide the total amount so ascertained and declared into ten equal parts or installments, as near as may be (conforming to the amount of said bonds), and add one of said parts or installments to the July installment of the annual city tax, upon all taxable real property situate within such sewer district, as well as upon all real property owned by persons, charitable, benevolent, religious and educational corporations or societies exempt by law from general taxation, apportioning the same thereon according to the valuation of said property in the assessment roll for that year, and each year thereafter, until the whole thereof is paid, and after such addition by said city clerk, the aggregate amount in each case shall be regarded and described in all proceedings as "tax" and shall be collected in the same manner with like percentage, power and effect, as the July installment of the annual city taxes are now or may hereafter be collected. Any and all parcels of property lying partly within and partly without any sewer district created under the provisions of this act shall be deemed and held to be wholly within said sewer district for the purposes of this act, provided however that the common council may by resolution determine otherwise when a sewer district is created without notice, or at any time thereafter upon petition and after causing notice to be published for six days consecutively, in two daily newspapers published in said city, that at a regular meeting to be held at a time and place therein named it will consider such petition and give all persons interested an opportunity to be heard. The assessors of said city are hereby authorized and directed to add all exempt property situate within sewer districts created under the provisions of this act to the assessment rolls each year hereafter, placing the assessed valuation thereof in a separate and additional column to be headed "exempt for all purposes except for the construction, alteration and repairs of sewers within sewer districts." When the bonds hereinbefore directed to be issued upon the completion of the improvement are negotiated the common council shall cause to be deducted from the avails thereof, any sum taken from the general city fund or borrowed as hereinbefore authorized, which sum

Assessments, how made.

shall be paid to the city treasurer who shall place the same in and to the credit of said general city fund, if taken therefrom or pay with it the obligation or obligations held by the person or corporation loaning the money, evidenced thereby, or their assigns. Upon determining the aggregate cost of any other improvement authorized by this title, the common council shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to pay for such improvement, and shall direct the mayor and city clerk to issue bonds for the principal and interest signed by them, payable at the city treasurer's office in said city in two installments, one in one year and the other in two years from their date. The common council shall thereupon add to the ascertained cost of said improvement interest upon the whole amount of said bonds to be issued therefor until the last installment of said bonds becomes due, and shall by resolution direct the assessors to assess the whole thereof, upon the real property benefited by such improvement as near as may be, in proportion to the benefits received. The amount of bonds outstanding at any one time, exclusive of bonds issued in payment for sewers constructed or in process of construction, within sewer districts, shall not exceed the sum of fifty thousand dollars.

§ 56. Section one hundred and twenty-one of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 121. Upon receipt of a copy of said resolution, the assessors shall immediately proceed to view the locality of the improvement, and shall assess the amount directed upon the real property benefited by such improvement, as near as may be, in proportion to the benefits received, and shall make and subscribe an assessment roll thereof. Upon the completion of said assessment roll, the assessors shall give six days' notice by publication in two daily newspapers published in said city, of the fact that said assessment roll is made, that the same can be seen and examined at the assessors' office and that at the time appointed in said notice, which shall be within thirty days from

City may
issue bonds
to pay cost
of other
improve-
ments.

Comple-
tion,
review and
correction
of assess-
ments.

the receipt of said resolution, they will hear the objections of parties interested. They shall also serve upon each person, firm or corporation whose name appears upon said assessment roll, at least three days before the time appointed for such hearing, a notice either personally or by depositing the same enclosed in a sealed envelope in the postoffice in said city, directed to said person, firm or corporation at his, their or its last known place of residence, according to the best information they may be able to obtain, the postage thereon being prepaid, which said notice shall state the name of such person, firm or corporation, the amount of his, their or its assessment and the time and place of said hearing. At said time the assessors shall hear objections and may adjourn, from time to time, not exceeding in all ten days, for that purpose. They may add to such assessment roll any property liable to assessment which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property, by mailing a copy of the same addressed to such owner, agent or occupant, at his last known place of residence, at least three days before the final correction of such roll. At the time fixed by the published notice, or upon any adjourned day, the said assessors may correct and change any of the amounts in said assessment roll, either by increasing, diminishing or omitting the same altogether, according to the justice of the case. The assessment roll when completed, shall be immediately filed in the city clerk's office, and thereafter the respective amounts assessed therein shall be a lien upon the lands upon which the same is assessed.

§ 57. Section one hundred and twenty-two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five and chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three is hereby further amended to read as follows:

§ 122. Within sixty days after the final determination of all proceedings in which lands shall have been purchased or taken, the common council shall cause to be paid or tendered to the respective owners the amount of purchase money or award to which they are entitled. The money required for such purpose may be taken from the general city fund or borrowed upon the credit of the city of Auburn, and an obligation given therefor

Payment
for lands
acquired.

in manner and form and maturing at the time provided in section one hundred and twenty of this act.

§ 58. Section one hundred and twenty-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five and chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three is hereby further amended to read as follows:

Collection
of assess-
ments for
other im-
prove-
ments.

§ 123. All assessment rolls for local improvements other than sewers constructed in independent sewer districts filed in the city clerk's office shall be presented, by the city clerk, to the common council at its next meeting thereafter. The common council shall thereupon direct the mayor and city clerk to issue the proper warrant, under the corporate seal of said city, commanding the city treasurer to collect the several amounts in said assessment roll and make return of his proceedings to said common council at its last regular meeting held in April in each year.

§ 59. Section one hundred and twenty-four of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five and chapter two hundred and seventeen of the laws of eighteen hundred and ninety is hereby further amended to read as follows:

Form of
notice for
collection
of assess-
ments.

§ 124. The city treasurer upon receiving said warrant and assessment roll, as provided in the last preceding section, shall within ten days thereafter, serve or cause to be served upon each person, firm or corporation whose name appears in said assessment roll, a notice in substance as follows:

City Treasurer's Office.

Auburn, N. Y., (date).

To (name of person assessed).

Take notice that I have received the warrant for the collection of assessments for the (name of improvement). That (designate property) is assessed to you in the sum of \$ (give amount) for said local improvement. You are hereby required to pay said sum at my office, in four equal payments as follows: The first payment to be made within six months, the second within one year, the third within eighteen months, and the fourth

within two years from this date; or in default of such payments or either of them, the said amounts will be collected in the manner provided by law.

(Name of city treasurer.)

The said notice may be served upon said persons either personally or by depositing the same in the postoffice in said city, in an envelope securely sealed, postpaid and properly directed to said person, firm or corporation at his, their or its last known place of residence, according to the best information which the city treasurer may obtain. Said city treasurer shall also, at or before the date of said notice, give notice twice a week for three weeks in a daily newspaper in said city, stating that he has received such assessment roll, and that he will receive at his office, the amount therein set forth, in like manner and times, as stated in the notice first above described, and that in default of such payment said assessments, or any installment thereof, will be collected in the manner provided by law.

§ 60. Section one hundred and twenty-six of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby further amended to read as follows:

§ 126. In case any such assessments or installments thereof shall be returned by the constable uncollected, and shall not be paid previous to the collection of the July installment of the annual city tax, each of the amounts so returned, including six per centum per annum thereon up to that time, shall be added to the said annual city tax on the respective lots upon which said unpaid amounts are assessed; and thereafter, the aggregate amount in each case shall be regarded and described in all proceedings as "tax," and shall be collected in the same manner, with like percentage, power and effect as the July installment of the annual city taxes; but the provisions of this section shall not prevent the enforcement of the lien of such assessment as herein-after provided.

§ 61. Section one hundred and twenty-eight of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five is hereby further amended to read as follows:

City treasurer to keep separate account for each improvement.

§ 128. The city treasurer shall keep a separate account for each local improvement authorized by title ten of this act. He shall place to the credit of each account the moneys borrowed upon the bonds of the city to pay for such improvement, together with all assessments received by him therefor. All orders drawn upon said city treasurer to pay for such improvements shall be a charge upon the particular fund to which it relates, not exceeding in all the amount of money borrowed upon said bonds. When the bonds for any particular improvement are due, and are presented for payment, the city treasurer shall pay the same out of any moneys remaining in the fund relating to said improvement. In case sufficient moneys have not yet been received from the assessments to meet said bonds, the necessary amount shall be transferred from the general city fund to the fund or account charged with the payment of said bonds; and, thereafter the assessments received shall be used to reimburse said general city fund, so far as the same shall be necessary. All bonds paid by said city treasurer shall be immediately presented to the comptroller for cancellation. After all claims for local improvement, for which a separate fund has been kept, have been paid, any surplus remaining in said fund shall be, by the city treasurer, transferred to the general city fund.

§ 62. Section one hundred and thirty-nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

Costs on judgments in favor of persons holding office under this act.

§ 139. Every person elected or appointed to any office under this act, who shall be sued for any act done or commenced by him by virtue of his office, and who shall have final judgment rendered in his favor, whereby he shall be entitled to costs, shall recover twice the amount of his taxed costs.

§ 63. Section one hundred and forty-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine is hereby amended to read as follows:

City considered as a town of Cayuga county.

§ 143. The said city, except as is otherwise in this act provided, shall be considered one of the towns of Cayuga county. The expense of apprehending, examining, trying and committing offenders against any law of the state in said city, and of their confinement, properly chargeable against the county of Cayuga, shall be audited, allowed and paid by the board of supervisors

of said county, in the same manner as if such expenses had been incurred in any town in said county of Cayuga. The said city of Auburn shall be considered a town for the purposes specified in title three, chapter ten, article second, of the code of civil procedure, respecting the selecting, drawing and procuring of jurors and the supervisors and assessors of said city shall execute the duties of the supervisor, town clerk and assessors of a town, as prescribed by said article, and a duplicate list of jurors selected by them shall be filed in the office of the city clerk of said city.

§ 64. All statutes of the state, ordinances of the common council, and acts and parts of acts so far as inconsistent with the provisions of this act are, so far as the city of Auburn is concerned, hereby repealed, but such repeal shall not affect any right already existing or accrued, or any liability incurred by reason of any violation of any law heretofore existing, or any suit or proceeding already instituted, or action had under the laws or ordinances unless otherwise expressly provided in this act. But nothing herein contained shall be construed so as to affect any of the several acts or parts of acts to regulate and improve the civil service of the state of New York. Laws repealed.

§ 65. Nothing contained in this act shall be construed to repeal any statute of the state or ordinance of the city or rule or regulation of the board of health not inconsistent with the provisions of this act and the same shall remain in full force and effect, when not inconsistent with the provisions of this act, to be construed and operated in harmony with the provisions of this act. The powers which are conferred and the duties which are imposed upon any officer or department of the city under any statute of the state, or any city ordinance, which is in force at the time of the taking effect of this act, shall, if such office or department be abolished by this act, be thereafter exercised and discharged by the officer, board or department upon whom is imposed corresponding or like functions, powers and duties under the provisions of this act. Where any contract has been entered into by the city prior to the time of the taking effect of this act, or any bond or undertaking has been given to or in favor of the city, which contains provisions that the same may be enforced by some officer, board or department therein named, but by the provisions of this act such office, board or department Act construed.

is abolished, such contracts, bonds and undertakings shall not in any manner be impaired, but shall continue in full force and the powers conferred and the duties imposed with reference to the same upon the officer, board or department which has been abolished, shall thereafter be exercised and discharged by the officer, board or department upon whom is conferred or imposed like powers, functions or duties under the provisions of this act. Nothing in this act shall be construed to amend or repeal any provision of the penal or criminal code.

§ 66. This act shall take effect May first, nineteen hundred and five.

Chap. 357.

AN ACT to revise the several acts relative to the city of Tonawanda.

Accepted by the city.

Became a law, April 29, 1905, without the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

Section 1. Short title; definitions.

2. Boundaries of city.
3. Boundaries of wards.
4. Corporate powers.
5. Town of Tonawanda.
6. Succession of liabilities.

Section 1. This act is a public act and should be known and cited by the short title of "Tonawanda city charter."

§ 2. Boundaries of city.—All that part of the town of Tonawanda, in the county of Erie and state of New York included within the following boundaries, to wit: Beginning at a point where the center line midway between the east and west lines of lot ninety-one of the Niagara river reservation intersects the Niagara river, said point being in said center line extending into said river and two hundred feet from the shore line; running

thence southerly, along said center line, to the mile line, so called; thence along the mile line, so called, to the southerly line of lot forty-one of the twelfth township and eighth range of the Holland land company's purchase, so called; thence easterly, along the southerly lines of lots forty-one and thirty-six, to the easterly line of lot thirty-six; thence northerly, along the easterly line of lot thirty-six, to the center of Ellicott creek; thence easterly, along the center of Ellicott creek, to the easterly line of lot thirteen; thence northerly, along the easterly line of lot thirteen, to the center of Tonawanda creek; thence westerly, following the center of Tonawanda creek, to the center of the channel of the Niagara river between Tonawanda island and the mainland; thence in a straight line to the place of beginning; and being and including all that territory now lying within the present bounds of the village of Tonawanda, is hereby constituted the city of Tonawanda.

§ 3. Boundaries of wards.—The said city is hereby divided into three wards, as follows:

FIRST WARD.

The first ward shall include all that portion of said city lying east of the center line of Main street, namely: Beginning at the intersection of Main street and the Erie canal; thence southerly along the center line of Main street to the center line of Broad street; thence easterly along the center line of Broad street to the center line of William street; and thence southerly along the center line of William street to Delaware street; and thence southerly along the center line of Delaware street to the south line of the city of Tonawanda. Said first ward shall consist of all that part of said city lying east of the above stated boundary lines.

SECOND WARD.

The second ward shall include all that part of said city lying west of said boundary lines of said first ward, and as follows: Beginning at the southerly city line and the center of Delaware street; thence westerly along said southerly city line to the military road or Main street; thence northerly along the center line of Main street to the state ditch; thence in a northwesterly direction along the center line of the state ditch to the Niagara river; thence along the northerly line of said city in an easterly direction

to the center line of Tonawanda creek; thence easterly along the center line of Tonawanda creek to the Erie canal and the intersection of the Erie canal and Main street. And includes all the territory within said boundary lines.

THIRD WARD.

The third ward shall include all that portion of the city of Tonawanda lying west of the westerly bounds of the second ward.

§ 4. Corporate powers.—The citizens of this state who may from time to time reside in said city shall be a municipal corporation in perpetuity under the name of the city of Tonawanda. The said corporation may take, hold, purchase and convey real and personal property; it may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement; for parks, gardens or grounds for the burial of the dead or other public use, and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation. It may sue and be sued, complain and defend in any court of law or equity; it may adopt and use a common seal and alter the same at pleasure; and it may do anything necessary to carry into effect the powers granted to it.

§ 5. Town of Tonawanda.—The town of Tonawanda shall on and after the passage of this act, consist of all that portion of said town not included within the boundaries of the city of Tonawanda, and the territory embraced within the boundaries of the city of Tonawanda as hereinbefore described shall not constitute or be a part of the town of Tonawanda.

§ 6. Succession of liabilities, et cetera.—The corporation known as the trustees of the village of Tonawanda and included in the above boundaries is hereby declared to be dissolved on and after the time when this act shall take effect; and all property, real and personal, rights, powers, privileges and contracts at the time of this dissolution possessed, owned, occupied, exercised or enjoyed by, as well as all the duties, contracts, obligations and liabilities imposed upon said, the trustees of the village of Tonawanda, are on and after the time when this act shall take effect, hereby transferred to, vested in and imposed upon said city of Tonawanda; and all divisions of village into road, fire or other dis-

tricts, except election districts, together with the highways, streets, parks and alleys shall remain, be and continue such divisions, highways, streets, parks and alleys, in the city of Tonawanda, and all ordinances, rules and regulations of the board of trustees of said village then in force, shall be and remain valid and effectual as the ordinances, rules and regulations of said city and its common council until repealed, modified or changed, subject, however, to the provisions of this act; and said common council is hereby authorized and empowered, in the name, for and in behalf of the city of Tonawanda, to enforce all such contracts, ordinances, rules and regulations, including the collection of debts and demands, imposition and collection of fines and penalties, prosecution and defense of all suits, and to do, take and perform other acts and proceedings that may be or become necessary and proper to carry out and enforce said contracts, ordinances, rules and regulations with the same force and to the full extent as might have been done by or on the part of the board of trustees and the trustees of the village of Tonawanda, or either; and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of, any such contract, ordinance, rule or regulation, or otherwise, as well as any liability that may have arisen thereof, shall remain and be the same under this act as they would have been under said village charter; and all contracts, bonds or other obligations lawfully entered into or sold by the village of Tonawanda prior to the time when this act shall take effect, and by law, or by resolution of the board of trustees of the village of Tonawanda, required to be signed by the president and treasurer, and attested by the clerk of said village under its corporate seal, shall, if such acts remain to be performed after this act shall take effect, be made and executed in the name of the city of Tonawanda and be signed by the mayor and city treasurer, and attested by the city clerk under the corporate seal of said city, and with the same effect as though lawfully signed by the president and treasurer of said village and attested by its clerk under its corporate seal under the provisions of the village law; and all rights and liabilities of said village existing at the time when this act shall take effect, shall be in no wise affected or changed hereby; but all actions or proceedings which may be thereafter commenced to enforce or protect any such accrued or existing

rights, privileges or liabilities, shall be brought and prosecuted or defended by or in the name of the city of Tonawanda. All actions or proceedings then pending for or against such village and in its name, may be continued by or against and in the name of said village, or at the option of the parties thereto, the name of said city may be substituted and in such name all such actions or proceedings may be continued. All rules and regulations pertaining to the organization and government of the fire department of the trustees of the village of Tonawanda, in force at the time when this act shall take effect shall, except as hereinafter provided in this act, remain, be and continue the same under said city as under said village government until repeal thereof and the adoption of other or further rules and regulations in relation thereto, and all officers and members of said fire department shall be such officers and members of the fire department of the city of Tonawanda and shall perform all the duties devolving upon them as such firemen and have and retain all their rights and privileges in the same manner and in all respects as if this act had not been passed, subject, however, to the further provisions of this act. The ownership and control of all property and effects pertaining to or connected with the fire department of the trustees of the village of Tonawanda, shall, by virtue of this act, vest in the city of Tonawanda, and in the fire department thereof, respectively, in the same manner and to the same extent in all respects as the same is now vested in the said village and its fire department, respectively.

TITLE II.

Officers—Elections.

Section 1. Time of holding elections.

2. Electors; qualifications of.
3. Result of elections.
4. Plurality to elect.
5. Special election, case of a tie.
6. Elective officers, terms and compensations.
7. Appointive officers, terms and compensations.
8. City officers.

Section 1. Time of holding elections.—Municipal elections shall be held on the first Tuesday after the first Monday in

November of each year at the same time as the general election is held. The polls of such election in each election district shall be held at such places as the common council shall designate as the polls of the general election.

§ 2. **Electors; qualifications of.**—Every citizen of the age of twenty-one years, who shall be qualified in all respects as required by the constitution and laws of this state to vote at a general election in this state in the election district in which he resides, shall be entitled to vote in such district, and not elsewhere, for any or all of the city officers who are to be chosen at any election, and for any or all of the officers of the ward, in which such election district is, who are to be chosen at any election. The provisions of the law, in respect to elections in this state, shall apply to and regulate the nomination and election of officers under this act, except as otherwise provided, by this act.

§ 3. **Result of elections.**—The city clerk, with whom the certified statement of the result of such election is filed, shall deliver such certified statement to the common council at its regular meeting next succeeding such election in each year, and the common council shall, upon such certified statement, declare and determine what persons have been duly elected and make and subscribe a certificate thereof in a book of record provided for that purpose, whereupon the city clerk shall serve each person elected to office with a written notice of his election by either serving such notice personally, or leaving the same at his place of residence.

§ 4. **Plurality to elect.**—The person having a plurality of votes for the respective offices to be filled by general ballot for the whole city, and those having a plurality of votes for the offices to be filled by the electors of the several election districts or wards, shall be declared duly elected, and shall enter upon the discharge of the duties of their respective offices on the first day of January next following the said election, unless a different time is hereinafter specified.

§ 5. **Special election, case of a tie.**—If at any election authorized by this act any officer voted for thereat shall not have been chosen by reason of two or more candidates having received an equal number of votes, for the same office, a special election shall be ordered by the common council, to take place on the last Tuesday in November for the entire city or for any ward, as may

be necessary, and the common council shall cause such notice as is required for a general city election to be posted for at least six days previous to such special election. The provisions of law in respect to the annual municipal election, as far as the same are applicable shall apply to such special election and to any other special election called to fill a vacancy in any elective office in the city.

§ 6. **Elective officers; terms and compensations.**—There shall be elected under this act at the time and for the terms of office herein stated, the following officers, whose terms of office shall begin on the first day of January, next, after their election; and said officers shall receive for their services as such, the compensation and salaries herein stated and no other.

1. A mayor, for the term of two years, at the city election in November, nineteen hundred and five, and every second year thereafter. He shall serve without compensation.

2. A president of the common council for the term of one year. He shall serve without compensation.

3. Six aldermen; two from each ward of the city; three of whom, one from each ward of the city, shall be elected at the annual election in November of each year for a term of two years. They shall serve without compensation.

4. A city treasurer for a term of two years, at the city election in November, nineteen hundred and five, and every second year thereafter. He shall receive a salary of fifteen hundred dollars per year, which shall include his clerk hire, and be in full of all services rendered the city. He shall be ineligible for more than two successive terms.

5. A city judge, who shall be ex officio a justice of the peace, for a term of four years, at the city election in November nineteen hundred and seven, and every fourth year thereafter. He shall receive a salary of one thousand dollars per year, and shall receive and have for his own use all fees received by him in civil actions and proceedings, except as otherwise provided by this act relative to actions in which the city is a party, and such compensation shall be in full of all services rendered the city.

6. Three assessors, who shall be elected at the annual election in November, nineteen hundred and five; one for a term of one year; one for a term of two years; and one for a term of three years, and annually thereafter one assessor shall be elected for a

term of three years. Each assessor shall receive a salary of four hundred dollars per year.

7. Two justices of the peace for a term of four years each; one of whom shall be elected at the annual election in November, nineteen hundred and five, and every second year thereafter one justice of the peace shall be elected for a term of four years. They shall receive as compensation the same fees as are allowed by law to justices of the peace of towns.

8. Three constables; two of them shall be elected at the annual election in November, nineteen hundred and five; one for a term of two years, and one for a term of three years, and annually thereafter one constable shall be elected for a term of three years. They shall receive as compensation such fees as are, or shall be, allowed by law to constables of towns.

§ 7. Appointive officers; terms and compensations.—There shall be appointed by the mayor under this act, at the times and for the terms of office herein stated, the following officers, who shall receive for their services as such, the compensation and salary herein stated, and no other namely:—

1. Five commissioners of public works, one of whom shall be appointed during the month of January, in the year nineteen hundred and six, and one during the month of January every year thereafter, and each of whom shall hold office for a term of five years from and including the first day of January of the year in which he is appointed. They shall serve without compensation.

2. Three police commissioners, one of whom shall be appointed during the month of January in the year nineteen hundred and seven, and one during the month of January every year thereafter; and each of whom shall hold office for a term of three years from and including the first day of January in the year in which he is appointed. They shall serve without compensation.

3. Three fire commissioners, one of whom shall be appointed during the month of January, in the year nineteen hundred and seven, and one during the month of January every year thereafter, and each of whom shall hold office for a term of three years from and including the first day of January of the year in which he is appointed. They shall serve without compensation.

4. A commissioner of public charities who shall be appointed during the month of January in the year nineteen hundred and

six and every second year thereafter, and who shall hold office for a term of two years from and including the first day of January of the year in which he is appointed. He shall receive a salary of three hundred dollars per year.

5. A sealer of weights and measures who shall be appointed during the month of January in the year nineteen hundred and six and every second year thereafter, and who shall hold office for a term of two years from and including the first day of January of the year in which he is appointed. He shall receive as compensation such fees as are or shall be allowed by law.

6. Six members of the board of education, two of whom shall be appointed during the month of January in the year nineteen hundred and six, and two during the month of January every year thereafter, and each of whom shall hold office for a term of three years from and including the first day of January of the year in which he is appointed. Not more than three members shall be of the same political party. They shall serve without compensation.

7. Such inspectors of election, poll clerks and ballot clerks as are or shall be provided for by law.

8. At the first meeting in the month of January in each year, the common council shall appoint a city clerk, who shall receive a salary of one thousand dollars per year. A chief engineer of the fire department who shall receive a salary of one hundred and fifty dollars per year. An assistant engineer of the fire department who shall receive a salary of fifty dollars per year. A city attorney who shall receive a salary of one thousand dollars per year. Commissioners of deeds for the terms and compensation provided by law.

§ 8. City officers.—The foregoing officers provided for in title two, sections six and seven excepting commissioners of deeds, but including a superintendent of public works; such members of the board of health as now are or hereafter shall be provided for by law; such number of policemen as the police commissioner* shall determine; a health officer and city physician hereafter provided for shall constitute and be the officers of the said city of Tonawanda.

§ 9. Removal; filling of vacancies.—The mayor may remove any officer appointed by the mayor for a term fixed by this act,

*So in original.

or to fill a vacancy within the term for which such officer shall have been appointed, for incompetency or malconduct in office, after giving to such officer a copy of the charges against him and an opportunity to be heard in his defense in person and by counsel. Immediately upon assuming the duties of his office, the mayor shall fill all vacancies in boards, the members of which are appointed by the mayor and shall fill all vacancies in all other offices the incumbents of which are appointed by the mayor. The common council shall fill all vacancies in boards, the members of which are, or to be appointed by the common council under the provisions of this charter, and shall fill all vacancies in all other offices, the incumbents of which are or to be appointed by the common council under the provisions of this charter, or to fill an interregnum created by this act, in any board or office.

§ 10. **Bipartisan boards and commissions.**—Not exceeding a majority of the members of any board or commission consisting of two or more members, the members of which are appointed by the mayor, shall at any time be of the same political party; and any appointment made by the mayor in violation of the provisions of this section shall be null and void.

§ 11. **Qualifications of officers.**—Every person elected or appointed to any office under this act shall, in addition to other qualifications provided by this act, be an elector in and a resident of the city, and the removal of any officer therefrom, shall vacate his office. Every alderman shall, at the time of his election and during his entire term of office, be an elector in and resident of the ward from which he is elected and his removal therefrom shall vacate his office. No person shall hold two city offices at the same time, except as herein otherwise provided.

TITLE III.

Vacancies in office.

Section 1. In elective office.

2. Term of appointee.

3. Commencement of term.

Section 1. **In elective office.**—Vacancies occurring in any manner in any elective office, shall be filled by the common council at its next regular meeting after the occurrence of the vacancy;

but the person appointed to fill a vacancy shall hold the office only until the first day of January next ensuing.

§ 2. **Term of appointee.**—Any vacancy occurring in any appointive office may be filled at any time by the appointing power in the manner prescribed for the original appointment, but only for the unexpired term.

§ 3. **Commencement of term.**—All persons appointed to office and all persons elected to office at any special election shall qualify and enter upon the duties of their office within fifteen days after notice of their appointment or election.

TITLE IV.

Section 1. Officers to file notice of acceptance and bond.

2. Officers of whom bonds are required.

3. Sufficiency of bonds other than official.

Section 1. Officers to file notice of acceptance and bond.—Each officer of the city shall, before he enters upon the duties of his office, and within fifteen days after he shall have been served as herein provided, with written notice of his election or appointment to office, file with the city clerk notice of his acceptance thereof, and he shall also, within the same time, take and file with the clerk the constitutional oath of office, together with the bond required of him by the provisions of this act. In case of his failure to take and file such oath and make and file such bond, the office to which he was elected or appointed shall be vacant.

§ 2. **Officers of whom bonds are required.**—In addition to the officers specially required by this act to give official bonds, each city clerk, city treasurer, city judge, justice of the peace, chief of police, policeman and special policeman of said city, constable, commissioner of public charities, superintendent of public works, and such other officers of the city as may be required so to do by the common council, shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section sixteen of the statutory construction law, and sections eleven, twelve and thirteen of the public officers' law; and for his omission so to do, shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law. Except as

herein otherwise provided, the penal sum named in such bond, or the sum specified in any such undertaking as the maximum amount of liability thereon shall be fixed by the common council. The common council shall pass upon the form and sufficiency of all bonds and securities and may, whenever it may deem proper require additional or further security of any such person after the giving of the bond first mentioned, and thereupon such officer shall within ten days after he shall have been served with a written notice so to do, file such additional bond or bonds, in accordance with the provisions of this act. The city of Tonawanda may sue for a recovery upon any breach of any bond or undertaking provided for by this act.

§ 3. Sufficiency of bonds other than official.—Where no other provision is made by this act, the mayor shall examine the sufficiency of the sureties on any bond or instrument in writing required to be given to the city by any officer licensee or other person, and shall require such sureties to submit to an examination under oath as to their property. Such oath may be administered by the mayor, and such examination shall be reduced to writing, signed and sworn to by the surety and filed with the bond or instrument to which it relates.

TITLE V.

Mayor.

Section 1. Powers and duties.

2. Heads of fire and police departments.
3. Mayor's licenses.
4. Who to act in case of mayor's absence.
5. Mayor's veto power.

Section 1. Powers and duties.—The mayor shall be the chief executive officer of the corporation. He shall take care that the laws of the state affecting the city, and the ordinances, by-laws, resolutions, rules and regulations of the common council and of the boards and commissions, are faithfully executed, and he shall perform each and all of the duties imposed upon him by this act or by resolution, ordinance, regulation, rules or by-laws, lawfully enacted by the common council. The mayor shall communicate to the common council at the time of assuming the duties of his office, and at such other times as he may deem expedient, a general statement of the affairs of the city, in relation to its finances,

government and improvement, with such recommendations as he may deem proper. He shall exercise a constant supervision over the conduct of all subordinate officers, and examine into all complaints against them for misconduct or neglect of duty, and report the facts to the common council, except as to such officers as may be appointed by the mayor. The mayor shall have power at all times to examine the books, vouchers and papers of any board, commission, officer or employee of the city, and to summon and examine under oath any person or persons in relation thereto; and for that purpose may, when he shall deem it necessary employ an expert accountant. He shall have power and may require any board or department of the city to furnish him or the common council with any information, data or report he or it may desire, and a neglect or refusal to furnish the same shall be a misdemeanor on the part of the official or person neglecting or refusing so to do.

§ 2. **Head of fire and police department.**—He shall be the supreme head of the fire and police departments of the city, and shall have the power to call out and command the fire and police departments whenever, in his discretion, he shall deem it necessary, and such commands shall in all respects be obeyed. He shall have power and may call out the posse comitatus of the city in like cases, and in like manner as the governor or sheriff is authorized to do. He shall sign all deeds and contracts made and entered into by the city, and shall cause to be affixed thereto the city seal.

§ 3. **Mayor's licenses.**—He shall have the exclusive power of granting and revoking all licenses for theatrical, operatic or acrobatic performance, concerts, circuses, feats of legerdemain and necromancy, or other exhibitions or entertainments, and of regulating the advertising of the same. Said licenses shall be attested by the city clerk and shall contain a statement of the amount to be paid therefor by the licensee, and no such license shall be of any force unless accompanied by a certificate written thereon or attached thereto, and signed by the city treasurer, stating that the amount mentioned in said license to be paid by the licensee has been fully paid to said city treasurer; the city clerk shall keep in books to be provided by the common council for that purpose a record of each license so granted by the mayor.

§ 4. Whom to act in case of mayor's absence.—The president of the common council, in case of temporary absence or disability of the mayor, shall be acting mayor of the city, but without the power to appoint or remove officers.

§ 5. Mayor's veto power.—The city clerk shall present each ordinance, resolution and audit of the common council and board of public works, with the exception of rules adopted by those bodies for their procedure, to the mayor within three days after its passage; if the mayor shall approve it, he shall sign it and return it to the city clerk within ten days; if he disapproves it, or any item or items of an audit, he shall within ten days after its presentation to him return it or such item or items, with a statement of his objections, in writing, to the city clerk, who shall present the same to the common council or board of public works as the case may be, at its next regular meeting, and the same shall have no effect unless that body shall then proceed to reconsider the ordinance, resolution, audit or item or items of an audit objected to. If, after such reconsideration, two-thirds of the members elected shall agree to pass the same, it shall take effect. In every such case the vote shall be taken by yeas and nays and entered in the minutes with the objection of the mayor. If the mayor shall fail to return any resolution, ordinance or audit to the city clerk within ten days after he shall receive the same, it shall take effect in like manner as if he had approved it.

TITLE VI.

The common council.

Section 1. Organization and procedure.

2. May compel absent members.
3. Powers.
4. Penalties for violations of ordinances.
5. Official newspaper.
6. Limitations on loans by common council.
7. City depositories.

Section 1. Organization and procedure.—The aldermen of the city and the president of the common council shall constitute the common council; and the president of the common council shall be the presiding officer thereof, and shall have a vote on all ques-

tions arising therein. A vacancy in the office of the president of the common council shall be filled by the common council by ballot. The legislative powers of the corporation shall be vested in the common council. The common council shall meet and organize on the first day, exclusive of Sunday, after the first day of January of each year, at eight o'clock in the evening. The common council shall meet in the common council rooms at such times during the official year, after the first meeting, as they shall by resolution designate. Special meetings may be called by the mayor, or any three aldermen, by appointment in writing to be filed with the city clerk, and notice thereof shall be served as the common council shall by ordinance prescribe. The presence of a majority of the aldermen authorized to be elected shall constitute a quorum of the common council, but a less number may adjourn from time to time. A majority vote of the aldermen present at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by tax or assessment, or ordinance, be passed or adopted, unless it receives the assent of the majority of all the aldermen in office, which vote shall be by yeas and nays and a record thereof be entered at large in the minutes.

§ 2. **May compel absent members.**—The common council shall determine the rules of its own proceedings and be judge of the election and qualifications of its members, and have power to compel the attendance of absent members from time to time. The attendance of absent members may be compelled by the common council, or by a meeting thereof at which less than a quorum is present by the entry of a resolution and order in the minutes, directing the chief of police, or any police officer, in the city, to arrest such absent member and take him before the common council at the meeting at which such member was absent, or some subsequent meeting of the common council, to answer for his neglect. All meetings of the common council shall be public, except when public interest shall demand secrecy. The minutes of the proceedings shall be kept by the city clerk and shall be open at all times for public inspection. The common council shall have power to prescribe the duties of all officers and persons appointed by them to any place whatever,

subject to the provisions of this act. No tax, levy, assessment, bill, order, resolution, or ordinance of the common council shall take effect until the same shall have received the approval of the mayor, or shall take effect without such approval as hereinbefore provided.

§ 3. Powers.—The common council has authority to enact ordinances not inconsistent with the laws of the state for the government of the city and the management of its business, for the preservation of good order, peace and health, for the safety and welfare of its inhabitants and the protection and the security of their property. It has the management and control of the finances and all the property, both real and personal, belonging to the city, except as in this act otherwise provided. It has the power to purchase market grounds and establish and regulate public markets, to determine whether any proposed market will be detrimental to the public interests, and at discretion to grant or refuse permission therefor.

§ 4. Penalties for violation of ordinances.—Where, by the provisions of this act, the common council shall have power to pass ordinances on any subject, they may prescribe any penalty, not exceeding fifty dollars fine, for a violation thereof; and where no penalty for violation of such ordinance is fixed by said common council any person violating any such ordinance shall be deemed guilty of a misdemeanor.

§ 5. Official newspaper.—The common council shall also, have power by resolution to designate a newspaper published in the city or in an adjoining city, or the city of Buffalo, as the official paper, for such term not exceeding one year, as said common council may determine, in which all matters required by law and the ordinances, and any proceedings directed to be published by the common council shall be published, and to fix the compensation to be paid therefor, not exceeding the rate allowed by law for the publication of the same; and in case of the discontinuance of said paper, or a refusal of the publishers to publish as required, or in case said paper shall cease to be the official paper, then to designate another paper. When any publication shall have been commenced in such paper, and such paper shall cease to be the official paper before such publication shall have been completed, the same shall be completed in such paper with the same effect as if it were the official paper.

§ 6. **Limitations on loans by common council.**—The said common council shall not have power to borrow, and it is hereby expressly prohibited from borrowing any money on account of the city, except as herein provided, and except for the purpose of anticipating, as far as may be necessary, the receipt of the general annual tax. The said council shall not create any pecuniary obligation whatever on the part of the city which shall not be payable within the fiscal year within which such obligation was incurred or eight months thereafter, and which cannot be discharged from the income of the same year, except as otherwise provided by this act; and except that the common council may, when it shall thereby be able to obtain a more advantageous contract for the city, enter into a contract with any person, firm or corporation for lighting the streets, alleys, and public places of the city, for a period not exceeding five years; but this prohibition shall not affect the provisions of this act in regard to obligations for, or relating to the expenditure of any sum raised for issuing bonds.

§ 7. **City depositories.**—The common council shall designate one or more banks located within the city of Tonawanda, as depositories of public moneys which bank or banks shall furnish security in an amount to be determined by the common council.

TITLE VII.

The board of assessors.

Section 1. City assessors: their powers and duties.

2. Assessment of taxes.
3. Assessment roll.
4. Aid of city attorney.
5. Notice of completion of roll.
6. Filing of roll.
7. Lien of taxes.
8. Statement of corporations.
9. Assessors maps, et cetera, public records.
10. Violation of duty.
11. Registration of conveyances of land.
12. Other duties.

Section 1. City assessors, their powers and duties.—The assessors herein provided for shall, except as herein otherwise provided,

have the same powers and perform the duties of the office in the same manner as a board of town assessors, and be subject to all the obligations and perform all the duties specified in this act with reference to the assessment of property within the city for the purposes of levying taxes imposed, or which may be imposed by the common council, as well as by the supervisors of the county of Erie.

§ 2. **Assessment of taxes.**—The assessors shall constitute a board of assessment and valuation; and a majority of them shall constitute a quorum. They shall, on or before the first day of July in each year, make and complete one general assessment roll for the city of Tonawanda. They shall assess upon the taxable lands of each ward, in the name of the reputed owner or occupant thereof, making no distinction between the lands of residents or nonresidents, and upon personal estate in the name of the owner thereof, the amount of tax to be raised under the provisions of this act, and also the amount of any other tax, or tax for extraordinary purposes, which may be required or authorized by law. They shall value all real estate in the city on one common and general principle of valuation, which shall apply alike on all real assessments within said city.

§ 3. **Assessment roll.**—The assessment roll shall contain the names, in alphabetical order, of the real or reputed owners of property in the city deemed taxable in the city. No assessment of real property, however, shall be considered as illegal by reason of the same not being listed or assessed in the name of such real or reputed owner or occupant thereof, if the property assessed is described on the assessment roll with reasonable certainty, the board of assessors may, in making assessments and preparing assessment rolls, make and prepare the same by streets in consecutive order of numbers. In case, by reason of any actual error or defect in the assessment roll of the last previous year, the taxes authorized and intended to be assessed thereby were not wholly collected, then the assessors may include the amount of such deficiency, or the amount unpaid on said assessment roll of the previous year, in the sum assessed for the current year, but shall credit upon such assessment made against the property of any person or corporation the amount paid by such person or corporation upon such previous

assessment, and included in the sum assessed for the current year as aforesaid.

§ 4. Aid of city attorney.—Every assessment roll shall be considered as referring to the last official map of the locality, unless it is otherwise stated therein. The assessors may require the attendance, aid and advice of the city attorney in any matter relating to the making of any assessment, and the attorney shall, when required, give such attendance, aid and advice; and said attorney shall also, at the request of said assessors, investigate and ascertain the title of any and all real estate to be assessed as aforesaid.

§ 5. Notice of completion of roll.—When the assessors shall have completed an assessment for the city of Tonawanda, they shall cause to be posted in ten public and conspicuous places in the city, and published in the official newspaper of the city, a notice of the completion of said roll, and that the same may be seen and examined at the office of the assessors, and until the time when, not less than twenty days from the first publication of such notice, they will meet for the purpose of hearing and determining all complaints to said roll, and of revising and correcting the same. They shall also during said period of twenty days, serve or cause to be served personally, or deposited in the postoffice in said city, notices directed to the owners of the lands whose names shall be entered on the roll and registered in the book kept by the assessors as herein provided, to their postoffice addresses as therein registered, and which notice shall state that the roll, naming it, is on inspection and which notice shall contain a description of the property assessed and the assessed valuation thereof. But a failure to give such notice shall not invalidate any assessment contained in such roll. They shall have such power and authority during such period and at such times to make such corrections in said roll as to them shall seem necessary. They may add or insert therein any property liable to taxation, and the assessment thereof, which may have been omitted therefrom, upon giving personal notice thereof to the owner, agent or occupant of the property. The assessors shall meet at the time and place specified in said notice so published and posted as aforesaid, and hear and determine all complaints in relation to any of the assessments appearing on said assessment roll, and for that purpose they may adjourn from time to

time. Upon such hearing the assessors may compel the attendance and testimony of witnesses by process to be issued by them, and to be enforced in the same manner as processes against witnesses in criminal cases. Said complainants shall file with the assessors a statement, under oath, specifying the respect in which the assessment complained of is incorrect, which verification must be made by the person assessed, or by some person authorized to make such statement, and who has knowledge of the facts stated therein. The assessors may administer oaths, take testimony, and hear proofs in regard to any such complaint and the assessment to which it relates. If not satisfied that such assessment is erroneous, they may require the person assessed or his agent or representative, or any other person, to appear before them and be examined concerning such complaint and to produce any papers relating to such assessment with respect to his property, or his residence, for the purpose of taxation. If any such person, or his agent or representative shall wilfully neglect or refuse to attend and be so examined, or to answer any material question put to him, such person shall not be entitled to any reduction of his assessment. Minutes of the examination of every person examined by the assessors upon the hearing of any such complaint, shall be taken and filed in the office of the assessors. Any person feeling himself unjustly or unfairly assessed, may, after his application has been rejected by the assessors, for the purpose of having his assessment reviewed, proceed in the same manner, be entitled to the same remedies and process, and the proceedings relating to the review of such assessment shall be the same, as is or may be provided by law in relation to review by the supreme court of assessments on an assessment roll of a town; and for the purpose of reviewing the assessment complained of, such court shall possess and exercise the same rights and powers as are or may be given such court by such law; but any petition or application to any court for a review of any assessment or any assessment roll for the said city, must be presented within fifteen days after the completion, correction and filing of such roll with the city treasurer and the first posting or publication of the notice thereof required by law to be posted and published. If the proper notices required to be given prior to such filing are given as required by this act, the assessment roll shall become

and be final and conclusive as to all persons making no objections thereto.

§ 6. Filing of roll.—After the assessment roll shall have been completed and corrected, the assessors shall make and subscribe thereto an oath and verification to such roll substantially as is or may be provided by law for the verification of an assessment roll of a town, and file the same with the city treasurer, on or before the first day, of August in each year. They shall also deliver a duplicate of the roll to the clerk of the board of supervisors to be by him delivered to the board of supervisors of the county of Erie, and the same shall be the assessment roll of the city for county and state purposes. The board of supervisors of Erie county shall have the power and authority to examine and correct such assessment roll and to equalize the value therein expressed as it has or may have by law with respect to the assessment rolls of towns of said county.

§ 7. Liens of taxes.—Upon the filing of said rolls with the city treasurer, all taxes and assessments therein made upon the several parcels of land therein specified, together with interest thereon and additions thereto, as they accrue, shall be and remain a lien and charge upon the said lots or parcels of land, respectively, for ten years from the time of filing the said assessment rolls with the city treasurer, superior to all other liens, right, title or estate therein, until paid or otherwise satisfied or discharged, and shall have priority over all other taxes in the inverse order of time in which they become liens. The taxes assessed upon personal property shall be a lien thereon from and after the date of the delivery of the roll to the city treasurer.

§ 8. Statement of corporations.—The president or other proper officer of every moneyed or stock corporation in the city and every individual banker deriving an income or profit from its capital or otherwise, shall, on or before June fifteenth, deliver to the assessors the written statement required by section twenty-seven of article two of the tax law, and every individual banker doing business under the laws of this state shall before said date, make to the assessor the report required by section twenty-five of article two of said tax law; and the chief fiscal officer of every bank or banking association organized under the authority of this state or of the United States, shall on or before the first day of July in each year, furnish to the assessors at their

office, the sworn statement required by section twenty-three of article two of the tax law as amended by chapter five hundred and fifty of the laws of nineteen hundred and one, and in default thereof, the assessment of the board shall be conclusive.

§ 9. Assessors' maps, et cetera, public records.—The books, maps, assessment rolls and papers pertaining to the office of said assessors, shall be public records, and at all reasonable times open to public inspection.

§ 10. Violation of duty.—Any assessor shall forfeit to the city of Tonawanda, twenty-five dollars for every violation of duty as assessor.

§ 11. Registration of conveyances of land.—The assessors shall also keep in their office a book in which upon the presentation to them of every deed of conveyance of lands in said city, they shall enter the date thereof, the names of the grantees thereto, and a brief description of the real property therein described. They shall also note upon every such deed of conveyance presented to them the fact of such presentation. If the county clerk shall record any deed of conveyance of lands in the city, which shall not have been marked by the city assessors as provided by this act, he shall forfeit to the city the sum of ten dollars for each offense. But nothing herein contained shall effect the record of an unmarked deed.

§ 12. Other duties.—The city assessors shall keep their office open during each day of the year, excepting legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon, and at least one of said assessors shall be in attendance during all such time at said office. Said assessors shall perform all clerical work whatsoever required or necessary in the preparation and completion of all assessment rolls, and the preparation of all tax rolls required to be made by them, and shall perform all other duties imposed upon them by law without other compensation than the salary herein provided.

TITLE VIII.

City treasurer.

- Section 1. City treasurer; his duties.
2. Bond to the city.
 3. Bond to the supervisor.

Section 4. Custodian of city moneys.

5. Form of city warrant.
6. Power to collect city moneys.
7. Duty to receive all taxes, and enter the same.
8. Deposit of city moneys.
9. Monthly reports.
10. Annual reports.
11. Action against treasurer for neglect of duty.
12. Searches for unpaid taxes.
13. Registration of addresses of taxpayers.

Section 1. City treasurer; his duties.—The city treasurer shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall provide and designate, which shall be kept open each day in the year, except Sundays and legal holidays, from nine o'clock in the forenoon until five o'clock in the afternoon, and at such other times as the common council may, from time to time, direct.

§ 2. **Bond to the city.**—Before entering upon the duties of his office, and on or before the fifteenth day of January in each year, the city treasurer shall execute and file an official bond with two or more sureties or of some solvent surety company, in such penal sum as may be fixed by the common council, not less, however, than fifty thousand dollars, in accordance with the provisions of law in such case made and provided. All bonds given by the city treasurer shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon, and the bonds so endorsed shall be filed and recorded in the city clerk's office. Six months after the treasurer shall retire from the office, the common council may declare such bond satisfied; and thereupon all liability thereunder shall cease, provided that no action is then pending thereon.

§ 3. **Bond to the supervisor.**—Before any warrants for the collection of taxes that shall be issued by the board of supervisors of the county of Erie, shall be delivered to the city treasurer, he shall execute an additional bond to the supervisor of the city of Tonawanda, with two or more sureties, freeholders of the county of Erie, or some solvent surety company to be approved by such supervisor in a penalty equal to the amount of such taxes directed

to be collected by said warrant and in accordance with the provisions of law in such case made and provided. The supervisor of said city, shall forthwith cause said bond so approved by him to be delivered to the clerk of the county of Erie, with his approval endorsed thereon. Such bonds shall be duly recorded by the said clerk as in the case of collectors of towns; and such bonds shall continue and hold good without renewal until the expiration of the time allowed for collection of said taxes or any extension thereof, as provided by law.

§ 4. Custodian of city moneys.—The city treasurer shall be the custodian of all property and moneys which the city shall take by bequest, devise, or gift, as provided by this act; and all moneys which the city shall receive from any source whatever, and all moneys set apart by this act or by any resolution of the common council for any board, commission or officers; and of all securities, obligations and other evidences of debt belonging to said city. He shall open and keep separate accounts with each of the same, and hold the same as city treasurer to be disposed of as herein provided. All moneys raised, appropriated or provided for, any and all boards and officers of the city, shall be deposited with the city treasurer to the credit of the board or officer entitled to the same, and separate and distinct from any other fund; and the treasurer shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not pay money from any fund which is not properly chargeable thereto. He shall pay out said moneys only upon warrants signed by the mayor and countersigned by the city clerk, to pay audits and allowances of the common council, and all boards, except the board of education, whose warrants shall be signed by its president and countersigned by its clerk, but no such warrants shall be drawn except for the purpose of paying for services rendered or materials furnished, and after an audit or allowance of the amount found to be due therefor. A certificate briefly stating the date, amount of the audit and character of the claim audited shall be embodied therein, and the city treasurer shall not pay any warrant if it does not contain such certificate properly filled.

§ 5. Form of city warrant.—The city treasurer first elected under this act shall forthwith prepare and furnish to the mayor, or board, who shall have money on deposit with him, a uniform

form of warrant to be used by each of the same for the purpose herein provided, and no officer or board shall use any other form of warrant for the purpose of drawing funds from the city treasury. Such warrants so furnished to each of said officers, or boards shall be numbered consecutively; be provided with stubs and bound in book form; and the stubs thereof filled in with date, amount, purpose and payee named in the warrant taken from each stub, respectively, shall be preserved by each such officer, or board, and new books or warrants shall be furnished to each thereof by the city treasurer as often as may be necessary.

§ 6. Power to collect city moneys.—It shall be the duty of the city treasurer, to the exclusion of every other officer, or board of the city to collect and receive all moneys belonging to the city, and all rentals due upon leases of city property for any purpose, and upon permits for the use of water and all amounts due for licenses. And he shall keep an accurate account of all receipts and expenditures, so as to exhibit the amount received or paid for any particular class of purposes for which the same shall be raised or received.

§ 7. Duty to receive all taxes, and enter the same.—It shall be the duty of the treasurer personally, to receive all state, county, city, school and local taxes and assessments and water rents payable within the city, which may be paid at such office, and to retain there and not elsewhere the possession of the warrants and assessments rolls which may, from time to time be delivered to him. He shall enter, daily, in suitable books, all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid.

§ 8. Deposit of city moneys.—The city treasurer shall daily deposit all moneys received by him in the bank or banks indicated by the common council, and the depositories of such moneys shall be subject to his check as treasurer. The city treasurer upon conviction of having loaned or deposited in any bank not designated by the common council, or of having unlawfully appropriated for his own use any money of the city received by him, shall be guilty, of larceny. All interest realized on any money of the city shall belong to the city.

§ 9. Monthly reports.—The city treasurer shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and re-

ceipts of city moneys during the next preceding calendar month; a summary statement of the receipts and expenditures of city moneys during that portion of the current fiscal year expiring with the last day of such preceding month and the balance at the end of such month standing to the credit of each of the city funds, and the amount of such funds in such city depository. Such statement shall be in such form as shall be prescribed, from time to time, by the council. An abstract of such report shall be published each month, at least once in the official newspaper of the city.

§ 10. **Annual reports.**—The city treasurer shall annually and on the last business day of December in each year, file with the city clerk, who shall forthwith present the same to the common council, an itemized account of all his receipts and disbursements, since the date of his last annual report, and a statement of the financial condition of the city. When such report shall have been examined and certified as correct by the common council the vouchers thereof shall be filed with the city clerk, and be by him preserved as a part of the city records for at least six years. The aforesaid statement of the financial condition of the city shall be published once in the official newspaper. At the time of the annual statement and immediately preceding the expiration of his term of office, or within such time after the annual statement as the common council may fix, he shall pay his successor all such moneys remaining in his hands and deliver to such successor in office all assessment rolls, books, papers, and property belonging to the city or pertaining to the affairs of the city in connection with the duties of his office. He shall annually settle with the common council, and as much oftener as they may require, for all tax rolls and warrants issued to him by the board of supervisors of Erie county, and for all moneys received and collected by him for school or other purposes, and produce the proper vouchers of the board of education and other officers for all moneys paid upon the warrants of said officers.

§ 11. **Action against treasurer for neglect of duty.**—If the treasurer shall be guilty of any default or neglect in the performance of any of his duties, the mayor shall at once cause an action to be brought in the name of the city of Tonawanda against him and his sureties, upon his official bond, to recover any amount

that may be due to the city of Tonawanda, and without further proceedings prior to the commencement of said action.

§ 12. **Searches for unpaid taxes.**—It shall be the duty of the city treasurer of said city, upon the request of any person therefor, to make careful search of the books, and records in his office for any unpaid taxes or tax sales, upon or against any piece or parcel of land in said city, making a proper abstract thereof showing the year in which each item of unpaid taxes was levied or sale made; the amount of said item or sum for which the land was sold; the purchaser thereof, and the amount required at the date of the certificate to redeem the land from such tax or tax sale in cases where the time for redemption has not expired. He shall certify said abstract as such city treasurer, and shall be entitled to the following fees: for each certificate of search of one or more parcels of land contained in the same block ten cents for each year covered by the search, to be paid by the party requesting such search.

§ 13. **Registration of address of taxpayers.**—It shall be the duty of the city treasurer to keep a record of all persons and their respective addresses who may pay taxes for nonresidents of said city and the addresses of such nonresidents so far as he can ascertain the same. He shall also keep in his office* book for the registration of the names and postoffice addresses of all persons liable to taxation within the city who may desire to register the same, and all such persons making such registration shall be entitled to a notice from the assessors of the completion of the roll with the other particulars in said notice required to be given as in this act provided.

TITLE IX.

City clerk.

Section 1. Duties.

2. Duties regarding audits and resolutions.
3. Shall be town clerk.
4. Deputy clerk.

Section 1. Duties.—The city clerk shall keep the corporate seal, and all the papers, books, and documents belonging to said city; he shall be the clerk of the board of public works; the police commission; the fire commission, and of the board of health, and it

*So in original.

shall be his duty to attend and make a record of the proceedings thereof and of all meetings of the common council. He shall draw all ordinances, resolutions, orders, notices or warrants on the city treasurer or other matters pertaining to the action of the council, and see that all ordinances, resolutions, notices, and other matters requiring publication are promptly and correctly published in the official paper of the city, or such other paper as the common council may direct, and shall preserve and have bound, from time to time, regular files of the newspapers containing the advertisements of the city; he shall carefully arrange, index and file all the books and papers convenient for use, and shall index all proceedings of the common council; he shall countersign all licenses granted by the common council, or any officer of this city authorized by this act to grant the same, and shall enter in an appropriate book the name of every person to whom such license shall be granted, the date thereof, the time during which it shall continue in force and the sum paid for the same.

§ 2. Duties regarding audits and resolutions.—The clerk shall within three days after each and every meeting of the common council, make and deliver to the city treasurer a copy certified by him of all resolutions and proceedings of the common council relating to the finances of the city, including a statement of all orders for the payment of money by it directed to be drawn; to each board of the city a certified copy of all resolutions and proceedings of the common council relating to said board and to the mayor, a certified copy of every motion, resolution, ordinance or by-law passed by the common council, board of police commissioners and board of fire commissioners, except those relating to rules for its own government and the appointment of officers. He shall keep an accurate account of all moneys received by him, belonging to the city, and upon receipt thereof, pay the same over to the city treasurer, take a proper receipt therefor, and file the same in his office and report the same to the common council at its next regular meeting; he shall also keep an accurate account of all expenditures by the common council and of all warrants and orders drawn on the treasurer; his accounts shall be kept in such book or books, and the manner, as the common council shall direct; he shall report to the common council at each regular meeting thereof, the aggregate amount of the orders drawn by him on each fund during the current fiscal year, except

local improvement fund, and shall report thereon when directed by the common council, and said report shall also specify what amount to the credit of the several funds must be reserved to pay salaries and other fixed expenditures during the remainder of the fiscal year.

§ 3. Shall be town clerk.—The clerk shall perform all duties of the clerks of the towns not inconsistent with this act and his office is hereby declared a town clerk's office for the purpose of depositing and filing therein all books and papers including chattels mortgages, bills of sale, conditional contracts, or other pledges of personal property, required by law to be deposited, filed or entered on record in a town clerk's office, and he shall possess all the powers and discharge all the duties and receive the fees of a town clerk except so far as may be inconsistent with the provisions of this act. The books and papers in his office shall be produced upon reasonable demand for the inspection of any elector of said city, and upon like demand and the tender of fees at the rate of six cents per folio therefor, he shall furnish a copy of any paper or record filed or kept with him as such clerk. All fees received by him under the provisions of this act, or otherwise, except fees received by him as registrar of vital statistics shall be paid by him to the city treasurer for the use of said city. His bond or bonds shall be filed in the office of the city treasurer.

§ 4. Deputy clerk.—The clerk may appoint a deputy, who, before entering upon the duties of his office, shall take the oath of office and give a bond as required of the clerk. Such deputy shall be paid by the clerk and his services shall in no event be a charge upon the city. Such deputy clerk, upon compliance with all the provisions of this act required by said clerk, shall have authority to discharge all the duties of said clerk during the term of his appointment, except to draw warrants for the payment of moneys. The clerk may remove at pleasure any deputy so appointed by him. In case of the absence of both the clerk and his deputy from any meeting of the common council or any board, or in case of their absence or the inability of the clerk to discharge the duties of his office, the common council may designate another person to discharge his duties as a deputy clerk, and who shall upon complying with all the provisions of this act required of said clerk possess all the powers and dis-

charge all the duties of said clerk during such absence or disability, and for such a period draw a salary equal to that to which the clerk for such period would be entitled, to be deducted from the salary of the clerk.

TITLE X.

Other officers.

- Section 1. City attorney.
2. The attorney for all boards.
 3. Criminal duties.
 4. Costs.
 5. Register of suits.
 6. Substitution of attorneys.
 7. Disbursements.
 8. Constable.
 9. Sealer of weights and measures.
 10. City physician.
 11. Justices of the peace; jurisdiction.

Section 1. **The city attorney.**—It shall be the duty of the city attorney to prosecute and defend all actions and proceedings, by and against the said city, and every department, thereof, and to perform such other professional services relating to the said city as the mayor or common council may direct.

§ 2. **The attorney for all boards.**—The city attorney shall be the sole attorney and counselor of the city and of its various board* and departments including the board of assessors. If the city attorney certifies to the common council that he needs the assistance of other counsel on any question submitted to him, the common council may authorize him to employ counsel thereon.

§ 3. **Criminal duties.**—It shall also be the duty of the city attorney to prosecute all cases of violation of city ordinances that come before the city judge, but other counsel may be employed therein by the complainant.

§ 4. **Costs.**—All costs in litigated cases, wherein the city is successful except as otherwise provided by this act shall belong to the city, and when collected shall be paid into the treasury and credited to and form a part of the contingent fund of the city.

*So in original.

§ 5. **Register of suits.**—The city attorney shall keep a record or register of all suits and proceedings which, as city attorney, he shall have in charge. He shall have power to authorize any attorney to appear for him in case of his absence or sickness for or in behalf of the city, in any suit or proceeding, but which is to be done at the expense of the city attorney. He shall, when required, prepare all legal papers, contracts, deeds and other instruments for the city and the different departments thereof, and also attend the meetings of the common council. He shall when desired by the common council attend to all proceedings under this act in relation to improvements, local or otherwise, and conduct the same in a legal manner, and shall perform such other duties as the common council may prescribe.

§ 6. **Substitution of attorneys.**—The city attorney shall, at the expiration of his term of office, hand and deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party, and also all papers on the part of the city therein, and also sign stipulations substituting such successor as attorney for the city, in such suits or proceedings, to the end that a suitable order may be entered making such substitution.

§ 7. **Disbursements.**—The common council shall pay said attorney all disbursements or expenses which said attorney may incur in behalf of the city and which may be made under direction of the common council or mayor, or any other board or officer as provided by this act.

§ 8. **Constables.**—The constables shall perform such duties as are by law prescribed for constables in towns and counties in the state, and shall be entitled to the same fees therefor. The said constables shall not as such be compelled to serve within the city of Tonawanda any summons, warrant or other process issued by the city judge as police justice of said city for the execution of the laws of the state for the prevention of crime and the punishment of criminal offenders or of the police laws or regulations of the state, or of the said city, or in any proceeding collateral to or connected with the execution of such general laws, or police laws or regulations, nor shall the county of Erie nor any of the towns therein, or the city of Tonawanda be liable to pay any such constables any fees for services under such paper or process.

§ 9. **Scaler of weights and measures.**—It shall be the duty of

the sealer of weights and measures to inspect and examine weights, measures, scale beams, measures of scale beams, measures of extension with weighing apparatus in said city, and he shall at such times possess like powers and be subject to like obligations as the sealers of the several towns of this state. The common council shall prescribe his fees for such services where the same are not already fixed by law.

§ 10. *City physician.*—It shall be the duty of the city physician to give such medical attendance to the poor of the city as may be required of him by the commissioner of public charities, and shall perform such other services as shall be required of him by the mayor.

§ 11. *Justices of the peace; jurisdiction.*—Each justice of the peace in the city of Tonawanda shall have and keep an office or place for the transaction of his official business within said city, and not elsewhere; he shall have and exercise all powers and authority and discharge all the duties and be entitled to all the fees and compensations of justices of the peace in the several towns in this state, except as modified by this act; he shall have the same territorial jurisdiction as if the said city constituted a part of the town of Tonawanda.

TITLE XI.

City court.

Section 1. *City judge.*

2. *Qualification.*
3. *Jurisdiction.*
4. *Want of jurisdiction.*
5. *Process, practice and appeals.*
6. *Opening and vacating judgment.*
7. *Evidence.*
8. *Costs and fees.*
9. *Jurisdiction in criminal cases.*
10. *Fees, account and docket.*
11. *Acting city judge.*
12. *Rooms and supplies.*

Section 1. *City judge.*—There shall be in this city a city court of civil and criminal jurisdiction, which court shall be open for the transaction of business each day in the year, except Sundays

and legal holidays, and upon those days for the purpose as provided by law. The city judge shall be the judge of said court, and shall be a justice of the peace within said city of Tonawanda, and shall possess all the jurisdiction, power and authority, and be subject to the same requirements and duties in all respects, in both civil and criminal proceedings, as are or may be vested in justices of the peace of towns, together with such other powers and duties as are conferred upon him by this act; and shall be entitled to the same fees in civil proceedings as such justice of the peace. But no fee shall be charged by the city judge against the city in any case.

§ 2. Qualification.—In addition to the other qualifications required by this act of the city judge, he shall also be an attorney and counselor-at-law of this state.

§ 3. Jurisdiction.—Except as limited by the next succeeding section, the city court shall have jurisdiction of the following civil actions and proceedings, to wit:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars. An action to recover the sum due upon any tax or assessment when the amount claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury or an injury to property where the sum claimed does not exceed five hundred dollars.

3. An action for a fine or penalty not exceeding five hundred dollars.

4. An action upon a judgment not exceeding five hundred dollars, rendered in said court or in any court of the state of local jurisdiction, not being a court of record.

5. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattels, or of all the chattels, as stated in the affidavit of the plaintiff, does not exceed the sum of five hundred dollars.

6. To render judgment upon the confession of the defendant where the amount confessed does not exceed the sum of one thousand dollars.

7. Summary proceedings under title two of chapter eighteen of the code of civil procedure, and the application for the removal

of a person from real property in such proceedings may be made to the city judge as is provided in section twenty-two hundred and thirty-four of the code of civil procedure, and the procedure before the city judge and in the city court shall be as is prescribed by said title.

8. Any other civil action or proceeding of which justices of the peace in towns have jurisdiction.

9. All jurisdiction now possessed by any justice's court is hereby conferred upon the city court.

§ 4. Want of jurisdiction.—The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as is prescribed in title three of chapter nineteen of the code of civil procedure; and when such question arises, the pleadings and practice shall be the same as are provided by law for courts of justices of the peace in towns in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or administrator as such.

5. But this action shall not limit any jurisdiction conferred by subdivision nine of the last preceding section.

§ 5. Process, practice and appeals.—The process and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said court, and before the city judge, shall be the same as in courts of justices of the peace in towns, except as otherwise provided in this act, and all provisions of law applicable to justices of the peace in towns and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court and the judge thereof; and appeals may be taken from judgments of the city court, and all proceedings before the city judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Erie, and the enforcements of such judgments shall be had in the same

manner and with like force and effect as in courts of justices of the peace in towns; and for the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town.

§ 6. *Opening and vacating judgment.*—The city court in civil cases shall have power to open and vacate any judgment rendered therein, upon such terms and conditions as it may deem just, within the time limited for an appeal therefrom, upon application of any party aggrieved thereby, and the city judge may make an order staying in the meantime proceedings, upon such judgment until the hearing and decision of the motion therefor, and upon the service of such order upon the officer having the mandate for the enforcement of such judgment, proceedings for the enforcements thereof shall be stayed accordingly. Five days' notice in writing of the application to open or vacate such judgment must be given by the party making the same; and such notice shall be served as is provided by law, for serving notices of appeal from judgments of a justice of the peace.

§ 7. *Evidence.*—All entries in the city clerk's minutes or copies thereof duly certified by the clerk and the corporate seal thereto annexed, shall for any purpose be evidence in all courts of the state of the facts therein stated; and in actions and proceedings for the recovery of fines and penalties, the certificate of the clerk of the city, under the corporate seal of said city, setting forth any ordinance, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption, shall be presumptive evidence of the existence and adoption of any such ordinance, by-laws, rule or regulation.

§ 8. *Costs and fees.*—In all civil actions and proceedings brought in said court, except as herein otherwise provided, the same costs and fees shall be paid to and recovered by said court as in actions or proceedings in courts of justices of the peace in towns. In addition to such fees as may have been paid or incurred by a party and recoverable by him against the adverse party, he shall also recover, if he is entitled to recover costs, the sum of ten dollars where the amount recovered or the value of the chattels, as determined in the trial and fixed by the judgment, exceeds fifty dollars and does not exceed two hundred and fifty dollars, and when the amount recovered or the value of the

chattels exceeds two hundred and fifty dollars, the sum of fifteen dollars, and three dollars in all other cases.

§ 9. Jurisdiction in criminal cases.—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for or on account of offenses committed or charged to have been committed within the city, shall have all the jurisdiction and authority which a justice of the peace of a town would have if such offense were committed or charged to have been committed in the town, including bastardy proceedings. And the city court shall possess and exercise all the powers conferred upon courts of special sessions, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions, except as herein otherwise provided, and upon a conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court. The city judge of the city court shall also have jurisdiction to try and determine all questions of violations of any and all city ordinances, rules and regulations and upon conviction to impose the punishment provided by law. All persons who shall be intoxicated in any street, park, alley, or public place in said city, and all persons who shall, by noise, tumultuous or riotous conduct, disturb the people; and all persons who shall have incited or induced dogs to fight, or be engaged in inciting or causing them to fight, in any street or public place in this city; and all persons who shall fight on any street or public place in the city; and all persons who shall blow horns, halloaing, or otherwise making loud noises, tending to disturb the quiet of the people without just cause; and all persons who shall break or injure any apparatus connected with the public lighting, fire alarm, or telephone system or systems within the city, or shall wilfully, and for the purpose of disturbance or mischief, give or create any false alarm of fire, or remove from or pile up before any door, boxes, casks or other things for the purpose of annoyance and mischief; and all persons who shall wilfully throw ink, or other liquid, or any missile in, upon or against any building of the city, or through any window thereof; and any person who shall wilfully break, injure or deface any fence, tree, shrubbery or other property of the city, are hereby declared disorderly persons, and are guilty of a misdemeanor. The city judge and

the city court shall have the power in cases of persons brought before him charged with intoxication in any street or public place in said city, to proceed summarily and without a jury, to try said persons, and if found guilty, to punish them as provided by law. Any female of, or over the age of eighteen years who frequents a house of ill-fame or assignation or a disorderly house of any description, or a house or place for persons to visit for sexual intercourse, or for any lewd, obscene or incestuous purpose, is guilty of a misdemeanor.

§ 10. Fees, account and docket.—The city judge shall keep an accurate account of all fines and costs in criminal actions and proceedings received, from whom received, the time of receiving the same; and on the first business day of each month shall deposit with the city treasurer the amount thereof received in the last preceding month, with a detailed statement of the items thereof, verified by the affidavit of the city judge to the effect that the same is correct and that it embraces all moneys paid into said court or received by said city judge for fines and costs in criminal actions or proceedings during the period covered by such statement. He shall also keep an account of all criminal business done by him, which by law is now made a charge upon the county of Erie; and at the annual meeting of the board of supervisors he shall present his bill for the same, verified according to law, and the same having been audited by the board of supervisors shall be paid to the city treasurer of this city. He shall keep an account of all his proceedings, and in his docket a complete and accurate record of all process issued from and returned to said court, and of all proceedings in every civil or criminal action, and all proceedings brought therein or before him, and shall enter judgment and decision of said court or judge. Such docket shall have the same force as evidence in courts of this state as dockets of the justices of the peace in towns.

§ 11. Acting city judge.—The mayor shall designate in writing to be filed with the city clerk, an attorney and counselor-at-law residing within the city, who shall, only during sickness, absence from the city, disability or inability of the city judge to act, exercise in the place and stead of the city judge all of the powers of said judge including cases then pending before the said city judge, and all process issued by the acting city judge shall be

made returnable before the acting city judge or city judge. Such designation shall terminate at the expiration of the term of office of the then city judge or sooner at the option of the mayor. The mayor may revoke such designation and redesignate at will. The compensation of said acting city judge shall be such sum as the common council shall determine, not exceeding the sum of three dollars for every day actually spent in the discharge of the duties provided for in this act, be audited, allowed and paid by the common council upon the presentation by such acting city judge of a verified bill of items for his services. Claims for such services, if any, shall be presented to the common council monthly.

§ 12. **Rooms and supplies.**—The common council of the city shall provide suitable rooms and properly furnish the same for holding the city court therein; provide for furnishing the necessary blank books, stationery and other articles for the use of said court; and provide for the payment of all necessary expenses of said court, including the compensation of a stenographer.

TITLE XII.

Commissioner of public charities.

Section 1. Qualifications.

2. Powers and duties.
3. Monthly reports.
4. Accounts to be audited.
5. No profit from supplies.

Section 1. **Qualifications.**—No member of the common council shall be a commissioner of public charities. Neither shall any person be appointed to the office, who, at the time of such appointment, shall be engaged or interested in business as a grocer, a saloon keeper, or hotel keeper, or in any wise concerned in the manufacture or sale of spirituous or malt liquors, ale or beer, and in case any person appointed to the office, shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease, and the office become vacant, and the mayor shall forthwith appoint another in his place.

§ 2. **Duties and powers.**—The commissioner of public charities is hereby invested with all the powers and duties now or

hereafter to be prescribed and provided by the general statutes of the state of New York, relating to overseers of the poor in towns, so far as the same is applicable and not inconsistent with this act. It shall be the duty of the commissioner to visit the poor of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. The said commissioners shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioner of charities shall have power to administer oaths to and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. The commissioner shall issue written orders for all means, provisions, and supplies furnished to the poor of the city. He shall not employ any physician. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 3. **Monthly reports.**—The commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article ordered or furnished, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals or lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said reports shall be filed with the city clerk.

§ 4. **Accounts to be audited.**—All charges and accounts against said city for services rendered, acts done, or means, provisions, medicines or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this

act, or otherwise, shall be audited by the common council, and paid from the poor fund of said city.

§ 5. **No profit from supplies.**—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines, or property belonging to himself, or in which he shall have an interest or be interested, nor shall he be interested in any contract for such purchase of groceries, provisions, medicines, fuel or property; nor shall he receive any commissions upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violations of any provisions of this section said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

TITLE XIII.

Raising money for special purposes.

Section 1. When and how elections to be held.

2. Manner of voting.

3. When such tax to be paid.

Section 1. **When and how elections are to be held.**—Whenever the common council shall be of the opinion that the interests of the city require the expenditure of money for an extraordinary or special purpose which cannot be made from the moneys it is authorized to raise under the provisions of this act, it shall cause a report to be published in the official newspaper stating the object for which such expenditure ought to be made, the amount which is required to be raised and the reasons which the common council believe render it necessary or expedient, together with a notice that upon a day fixed therein, and which shall be at least three weeks after the first publication of such report and notice, a special election shall be held at some central and convenient place therein designated, at which the question whether the amount required for such expenditure shall be raised by a special tax, will be submitted to the qualified electors for their determination, the publication of the notice shall be continued until the day appointed for the special election. The common council shall appoint three freeholders of the city, inspectors of such election who may fill vacancies occurring in their number. The city clerk shall at-

tend such elections and have with him the last assessment rolls filed in his office by the assessors. The inspectors of such election shall take the oath required by law of inspectors of election, and they shall have the same powers and perform the same duties, and in like manner as inspectors of election; the polls of such election shall be open at eight o'clock in the forenoon and remain open until five o'clock in the afternoon. Every resident of the city, of the age of twenty-one years or upwards, whose name shall be on the assessment roll of said city, made by the assessors next preceding such special election, against whose real or personal estate a tax may be imposed upon the said roll, and no other person shall be entitled to vote at such special election.

§ 2. **Manner of voting.**—Every person entitled to vote at such special election may vote a ballot folded so as to conceal its contents, upon which shall be written or printed or partly written and partly printed the words “for special tax” or “against special tax.” The ballots shall be received by the inspectors and deposited in a box provided for the purpose, and at the closing of the polls shall be canvassed in the same manner as the ballots are canvassed at the annual election for city officers and all provisions of law applicable to such canvass shall be applicable, so far as possible, to the canvass for special elections. If a person offering to vote at such special election shall be challenged in relation to his rights by any other person entitled to vote thereat, one of the inspectors shall tender to him the following oath or affirmation: “You swear (or affirm), that you are a resident of the city of Tonawanda, aged twenty-one years or upwards, and that you have not voted and are entitled to vote at this election.” If he shall take the oath and his name shall be found on the assessment roll, mentioned in the last preceding section of this act, his vote shall be received. All provisions of law for punishing false swearing and fraudulent voting, and for preserving order at elections shall be applicable to special elections, held pursuant to the provisions of this title, so far as they can be applied. The inspectors of the special elections held pursuant to the provisions of this title, shall make and sign a certificate of the number of votes for special tax and against special tax, and shall file the same with the city clerk upon the same or the next succeeding day.

§ 3. When such tax to be paid.—The city clerk shall present such certificate to the common council at its next meeting, and the same shall be recorded at length in the record of its proceedings. If it shall appear that a majority of the votes cast at such special election were for special tax the common council may make a loan of the amount specified and shall cause the amount specified to be raised by tax for the purpose therein set forth, in addition to the moneys otherwise authorized to be raised by the provisions of this act. It may direct the whole sum required to be raised in addition to and with the next annual tax for ordinary expenses, or in two or more equal annual installments, with the next two or more annual tax levies. Such special tax, whether raised in one, two or more annual installments, shall be added to the sums otherwise to be raised and imposed and collected therewith, and by the same power and authority. All moneys raised pursuant to the provisions of this title shall be kept by the city treasurer as a separate fund, and shall be subject only to drafts to be drawn by the common council, specifying the same were drawn to meet the expenditures for which they were raised.

TITLE XIV.

Issuing of bonds.

Section 1. How issued.

2. Proposition to be submitted to taxpayers.
3. How signed, sold and payable.

Section 1. How issued.—Whenever the common council shall approve a measure requiring the borrowing of money and the issue therefor of bonds of the city for municipal purpose, for which there is no other adequate appropriation, it shall have power to borrow money upon the faith and credit of the city and to cause bonds to be issued therefor, payable at such time or times as the common council shall determine, not exceeding thirty years from the date of issue. But unless otherwise provided by this act, or by the general laws of this state, no such bonds shall be issued until the question of whether such issue shall be made shall first have been submitted to a vote of the taxpayers of the city, including females, as shall appear on the last preceding general assessment rolls prior to the time of any special election

ordered for that purpose, and a majority of such taxpayers voting at such election shall approve of such issue.

§ 2. Proposition to be submitted to taxpayers.—At or before the time of ordering such a special election the common council shall cause to be published in the official newspaper of the city, at least once a week for two weeks, a statement showing the amount of bonds proposed to be issued, and the purpose therefor. The common council shall, by ordinance, direct the mode and manner of submitting such proposition to the taxpayers of said city at a special election. The determination of such election shall be canvassed by the common council at their next meeting after such special election and the result thereof declared according to the return made on such election. If the proposition to issue such bonds shall be approved by a majority of the qualified voters voting at such election, the common council shall then authorize, empower and direct the mayor, city treasurer and city clerk to issue bonds of the amount specified by the statement required to be published prior to such election, as aforesaid. When so duly authorized, empowered and directed, the mayor, city treasurer and city clerk shall issue said bonds, according to said published statement, and shall sell the same in the manner provided by this act.

§ 3. How signed, sold and payable.—All bonds or other obligations of the city shall be signed by the mayor and city treasurer, and attested by the city clerk under the corporate seal of the city. All bonds so issued shall recite on their face that they are issued in conformity with and pursuant to the provisions of this act and that their issue has been duly approved by the taxpayers of the city, as required by this act, and such recital shall be conclusive evidence in all courts and places of the validity of such bonds. They shall become due at such time or times, not exceeding thirty years from the date of issue, as the common council shall fix and determine in the resolution authorizing, empowering and directing the mayor, city treasurer and city clerk to issue and sell the same. They shall bear interest at a rate not exceeding five per centum per annum, payable annually or semi-annually, and shall be negotiated for not less than their par value and accrued interest. They shall be sold on sealed proposals, upon notice published in the official newspaper of the city and posted in three public places in the city at least ten days before the sale, such

bonds shall be sold to the highest bidder, but the city shall reserve the right to reject any and all bids.

TITLE XV.

Letting of contracts.

Section 1. **Letting of contracts.**—Whenever the common council or any board shall require any work to be done, or materials or supplies to be furnished, the nature of which will admit of competition on the part of those who might do or furnish the same, the same shall be done or furnished, as the case may be, by contract, if an expenditure of more than two hundred dollars shall be involved. Such contract shall be awarded to the bidder, whose bid shall be deemed by the common council or board having the matter in charge, most advantageous to the city. He shall give a bond to the city, accompanying his bid, with one or more sureties, to be approved by said common council or board for the faithful performance of his contract or bid. The said common council or board shall have the right to reject any and all bids. Specifications of the work to be done or the materials to be furnished shall be prepared by or under the direction of the said common council, or board, and filed with the city clerk. A notice shall thereupon be published at least once a week for two successive weeks in the official newspaper, stating that the specifications may be examined at the office of the city clerk, and that on a day to be named in such notice and after the expiration of the time of publication the bids will be opened. Said bids shall each be sealed and deposited with the city clerk, who shall unseal and open them at such meeting in the presence of the common council, or board having the matter in charge. This section shall not apply to the board of education.

TITLE XVI.

Audit of claims against the city.

Section 1. **Manner of presentation.**

2. Aldermen not to be interested in claims.
3. Verification of claims.
4. Veto power of mayor.
5. Negligence, actions and claims.

Section 1. Manner of presentation.—All claims against the city, except the audits of the board of education, shall be acted upon by the common council at least as often as once each month upon days to be designated for the purpose by the common council. All claims must be presented in writing, setting forth the items of the claim, and approved by the board or officer authorizing the same, and each bill must be read before the common council. They shall be numbered and filed with the clerk, and a brief entry of the name of the claimant, number, nature and amount of the claim made by the clerk, in a book kept by him for the purpose, prepared with the appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim. The book shall be provided with a column in which shall be entered after the claim the date when it is audited, and the amounts audited and paid, without unreasonable delay. Each claim and demand for services rendered or materials furnished to the city must be presented to the city clerk within sixty days after the rendition of the last services or the last delivery of materials charged for therein; the common council shall not audit, allow or cause to be paid any claim or demand for services or materials not presented in conformity to this provision, except by a two-thirds vote of all members elected. All claims and demands against the city presented to the city clerk for audit and allowance by the common council, must be so presented at least five days before the day in that month designated by the common council for acting upon claims and demands. The city clerk shall cause all the claims and demands so presented to him in each month to be published by stating the name of the claimant, amount and nature of the claim once in the official newspaper at least two days before the day designated by the common council in that month for action upon claims and demands, and the common council shall not in such month act upon, consider, allow or order to be paid any claim or demand not so presented and published.

§ 2. Aldermen not to be interested in claims.—No member of the common council shall be concerned or interested in any way, directly or indirectly, in the purchase or procuring or receiving the assignment to himself or any other person or persons of any claim, demand or allowance against the city of Tonawanda. The city treasurer shall not pay in whole or in part any such claim,

demand or allowance presented to him by or on behalf of any member of the common council. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall also forfeit his office.

§ 3. **Verification of claims.**—The common council shall not audit or pay any account for services rendered, or materials furnished or disbursements made, unless such account be made out in items and accompanied with an affidavit attached thereto, made by the person or one of the persons claiming the same, that the items of such account are correct, that the services, disbursements and materials charged therein have been made and rendered, that no part thereof has been paid or satisfied, and that no commissioner of public charities, alderman or member of any board is interested, directly or indirectly therein.

§ 4. **Veto power of mayor.**—In case the mayor shall veto any audit or item of an audit made by the common council under the power conferred upon him by this act the city clerk shall forthwith upon receiving a statement of the mayor's objections thereto in writing, notify the city treasurer, and the city treasurer shall not pay such audit or item thereof unless upon reconsideration thereof by the common council two-thirds of the aldermen elected shall agree to pass the same.

§ 5. **Negligence, actions and claims.**—All claims for injury to person or property alleged to have been caused or sustained by reason of any defects in, want of repair, or obstruction of any of the highways, streets, alleys, sidewalks or crosswalks or public places of the city, shall be presented in writing to the *injury. Such statement in writing shall state the time, place, common council within sixty days after the date of such alleged* cause, nature and extent of the alleged injuries as far as practicable, and shall be verified by an affidavit of the claimant or his agent or attorney to the effect that the same is true to his knowledge or his best information and belief. The omission to present any such claim in the manner and within the time in this section provided shall be a bar to any action against said city therefor. No action shall be commenced against said city on any duly presented claim until after the expiration of three months from the presentation thereof; nor shall any such claim be maintained against said city which

*So in original.

shall not have been commenced within one year after the cause of action accrued. And the city of Tonawanda shall not be liable for any damages or injury sustained in consequence of defects in, want of repair, or obstruction of any of the highways, streets, alleys, sidewalks, crosswalks or public places of the city unless notice in writing shall have been served upon the mayor or city clerk within ten days after the happening of the casualty from which such damage or injury may have resulted, and such notice shall particularly state such defect, want of repair or obstruction and the location thereof; nor shall the city of Tonawanda be liable for any damage or injury sustained in consequence of defects in, want of repair or obstruction of any of the highways, streets, alleys, sidewalks, crosswalks or public places in the city unless actual notice of the defects in, want of repair or obstruction of the said highways, streets, alleys, sidewalks, crosswalks or public places shall have been given to the mayor, board of public works, superintendent of public works, or any regular policeman at least forty-eight hours previous to such damage or injury. All claims for damages made as above may be adjusted and settled by the council by a two-thirds vote of the whole number of aldermen authorized to be elected subject to the veto of the mayor.

TITLE XVII.

Appropriations, salaries and expenditures.

Section 1. Amount of appropriations.

2. Boards to submit annual statements.
3. Salaries payable monthly.

Section 1. Amount of appropriations.—The common council is hereby authorized and directed to raise by tax upon the property in the city annually as follows:

1. For the principal and interest of the bonded municipal debt, and for the amount of the other indebtedness of the city lawfully contracted, the sum falling due within the ensuing year.

2. For the uses and purposes of the board of education such an amount as shall be certified by them to be required as provided by this act.

3. For the uses and purposes of the board of public works, a sum not to exceed one-half of one per centum of the total value.

tion of the property assessed upon the annual assessment roll of the city of the last preceding year.

4. For the uses and purposes of the police commission, a sum not exceeding five thousand dollars.

5. For the uses and purposes of the commissioner of public charities, a sum not exceeding two thousand dollars.

6. For the uses and purposes of the board of fire commissioners, a sum not exceeding forty-five hundred dollars.

7. For the salary of the city treasurer, fifteen hundred dollars; for the salary of the city judge, one thousand dollars; for the salary of the city clerk one thousand dollars; for the salary of each assessor, four hundred dollars; for the salary of the superintendent of public works, nine hundred dollars; for the salary of the commissioner of public charities, three hundred dollars; for the salary of city attorney one thousand dollars; for the salary of the health officer and city physician five hundred dollars.

8. For lighting the public buildings of the city, providing necessary apparatus and means for the prevention and extinguishment of fires, defraying the contingent expenses of the city, the expenses of the public improvements proper to be done by the city, and all other miscellaneous expenses of the city, its officers, boards or commissioners, a sum not exceeding five thousand dollars; for lighting the streets, alleys and public places of the city, a sum not exceeding twelve thousand dollars.

§ 9. The common council shall also have power to raise by tax, as aforesaid, the amount of all judgments recovered against the city and remaining unpaid.

§ 2. Boards to submit annual statements.—Each board entitled to an appropriation, as in this title provided, shall annually, on the last business day of the fiscal year deliver to the city clerk a statement in writing of the sum which it will require for its uses and purposes during the ensuing fiscal year, not exceeding the sum herein provided for. Such statement shall show any unexpended balance remaining to the credit of the board in the city treasury, and be signed by the presidents of such boards respectively. The city clerk shall deliver all such statements to the common council at its next meeting. The common council shall thereupon cause to be included in the next annual tax levy the sum so stated or such sum as the common council shall in its judgment deem necessary for each board for its uses and pur-

poses during the next fiscal year, not exceeding the amount herein provided for each board, respectively, after deducting therefrom any unexpended balance remaining to the credit of such board in the city treasury. Each of said boards shall also, at said time, file with the city clerk an inventory of all the property under its control, which inventory shall show the estimated value of said property. This section shall not apply to the board of education.

§ 3. **Salaries payable monthly.**—The salaries provided in this title for each officer, respectively, shall be payable to him in equal monthly payments, except as otherwise provided by this act, and shall be in full compensation for all services to be rendered by him, except as herein provided.

TITLE XVIII.

Assessment and collection of taxes.

Section 1. City considered a town for raising taxes.

2. Delivery of roll and warrant.
3. Notice of receiving taxes.
4. Receipt of taxes.
5. Tax receipts.
6. Collection of tax by levy and sale.
7. Collection of tax by civil action.
8. Supplementary proceedings may be instituted.
9. Collection of judgment.
10. Assessment roll, presumptive evidence.
11. Validity of tax and action to test same.
12. Assessment not to be declared invalid.
13. Cancellation of tax.
14. Transcript of unpaid taxes.
15. Transcript, tax unpaid three years.
16. Action to foreclose lien of taxes.
17. Foreclosure action, parties defendant in.
18. Treasurer's transcript presumptive evidence.
19. Costs and disbursements in foreclosure proceedings.
20. Costs in unsuccessful actions.
21. Personal judgment against defendant.
22. Costs against city.
23. Sale in foreclosure action.

Section 24. City to bid in foreclosure action.

25. Tax sales made subject to liens.

26. Redemption of tax or assessment.

27. Certificate of sale.

28. Title of lands sold in foreclosure action.

29. Redemption of lands.

30. Deed of property sold in foreclosure action.

31. Sale of lands bid in by city.

32. Publication of notices, et cetera.

33. Searches.

34. Release, correction and reassessment of taxes.

35. Addition to* omitted taxes to roll.

36. Apportionment of taxes upon separate parcels of land.

37. Application of title.

38. Limitation of title.

Section 1. City considered a town for raising taxes.—The city of Tonawanda shall be regarded as one of the towns of Erie county for the purpose and in relation to the assessment for the levy and collection of state and county taxes, and the same provisions of law which shall apply to the assessment and collection of taxes in the towns of this state, and the duty of all officers concerned therein or connected therewith shall be applicable thereto, except as the same are modified or otherwise expressly prescribed in this act; but in assessing and laying the state and county taxes therein, the same shall be assessed and levied upon the assessment roll prepared, as herein provided, for the city, which shall be finally delivered to the city treasurer for collection in the manner provided by law.

§ 2. Delivery of roll and warrant.—The board of supervisors of the county of Erie shall cause the corrected assessment roll of the city to be delivered to the treasurer of the city on or before the thirty-first day of December in each year, to which a warrant under the hands and seals of said supervisors, or a majority of them, shall be annexed, commanding said treasurer to collect from the several persons named in the assessment roll the several

* So in original.

sums mentioned in the last column opposite their respective names, and pay over the same in the manner directed in the warrant. No extension or renewal of the warrant mentioned in this section shall be required to enable the city treasurer to enforce the collection of the taxes to be collected by virtue thereof.

§ 3. **Notice of receiving taxes.**—Immediately upon receiving the county or city tax roll, the treasurer shall cause to be published in the official newspaper for three successive weeks a notice, and shall post notices in five public and conspicuous places in each ward in the city, and cause such other or further notices to be given as the common council may direct, that the said rolls have been left with him for collection, and that he will be ready at his office during his office hours for thirty days next after the first publication of such notice to receive payment of taxes thereon, and that for said period of thirty days every person paying his taxes to the treasurer may do so without additional charges; for thirty days next thereafter two per centum fees thereon shall be collected; and that thereafter five per centum fees shall be collected, and that any such taxes remaining unpaid after the expiration of ninety days, in addition to said five per centum fees shall bear interest at the rate of twelve per centum per annum from the date of the delivery of the roll to the treasurer, and such interest and fees shall be charged accordingly. Interest on taxes and assessments shall not be computed for less than one month, and shall be computed up to the first day of the month following the day of payment. The treasurer shall attend at the time and place specified in such notice, and may receive, but not enforce, the collection of taxes within the first thirty days after the publication of said notice.

§ 4. **Receipt of taxes.**—Immediately upon receiving any tax the treasurer shall enter in a column prepared for the purpose and opposite the names of the persons or corporations paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. Any person may pay any one or more taxes or assessments upon his property, leaving others unpaid to be enforced in the manner provided by this act.

§ 5. **Tax receipts.**—All receipts issued by the treasurer for taxes paid to him shall be numbered consecutively commencing with number one on the first receipt issued for taxes for any one year, and shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and dis-

tinct series of numbers of receipts issued for the taxes of each year for which the same is levied and assessed. The city clerk shall cause all tax receipts to be printed and numbered and firmly bound in book form, and to be in duplicate, each to bear the same number. The city clerk shall, on the delivery of the receipts to the treasurer, charge the treasurer with the number of receipts delivered, and the treasurer shall immediately examine the numbering of the receipts and report to the city clerk any irregularity found therein. The treasurer shall receipt to the city clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements; also for all detached receipts, including receipts the duplicates of which do not show the entry of taxes. All irregularities in the issuance of receipts that render them worthless must be shown on the face of the original, which must in no case be detached from the duplicate. At the time of the annual settlement the treasurer shall deliver to the city clerk all duplicates of receipts issued by him, and all other receipts delivered and charged by the city clerk to him.

§ 6. Collection of tax by levy and sale.—The city treasurer either by himself or deputy shall have the power after the expiration of the period of thirty days next after the first publication of the notice of receiving taxes to collect any taxes assessed against real and personal property, together with the additions and interest due thereon, and the costs of collection, by levy and sale of personal property belonging to the person so assessed, in the manner provided by law for the levy and sale of personal property provided under an execution; and the city shall be entitled to the same fees for the services of the treasurer or deputy as are allowed by law for selling personal property under an execution. Public notice of the time and place of the sale of the property to be sold shall be given by the treasurer in the manner constables are required to give notice of sale of personal property under an execution. Collection of taxes against a telegraph, telephone, electric light line, or other line for transmission of electricity, may be enforced by the sale of the instruments and batteries connected with such line, and in case there is not sufficient personal property, together with such instruments and batteries, to pay such tax, additions and interest, with costs of collection and the expenses of the sale, the city treasurer shall proceed to sell such part of the line in the city

as may be necessary to satisfy the unpaid taxes, interest, additions, costs and expenses of the sale, in the manner now provided by law for the sale of land under an execution, and upon such sale shall execute to the purchaser a conveyance of such part of such line, and the purchaser shall thereupon become the owner thereof. No claim of property to be made thereto by any other person than the owner shall be available to prevent such sales. If the proceeds of such sales shall be more than the amount of such tax, interest and additions, fees of collection and expenses of the sales, the surplus shall be paid to the person against whom the tax was assessed. If any other person shall claim the surplus on the ground that the property sold belonged to him, and such claim be admitted by the person for the payment of whose tax the sale was made, such surplus shall be paid to such other person. If such claim be contested by the person for the payment of whose tax, the property was sold, such surplus shall be paid over by the city treasurer to the county treasurer of the county of Erie who shall retain the same until the rights of the parties thereto shall be determined by due course of law, or by an agreement in writing made by them and filed with the county treasurer.

§ 7. Collection of tax by civil action.—The city treasurer is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of ninety days, with the additions and fees unpaid thereon, and to recover judgment therefor with twelve per centum interest thereon, and the cost and expenses of such action. The city judge shall have jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such actions, in any court not of record, may be filed, and such judgment docketed in the office of the clerk of Erie county, and it shall, however, small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of such judgment, upon all real estate of the judgment debtor situate in said county, and shall have the same priority over any other lien or incumbrance upon, or transfer of the property charged with the tax, for which such action was brought, as the lien of the tax sought to be recovered in said action.

§ 8. **Supplementary proceedings may be instituted.**—When a tax imposed pursuant to the provisions of this act against a person, firm, estate or corporation, resident in the county of Erie, is returned by the office to whom a warrant for the collection thereof has been delivered by the city treasurer, uncollected for want of goods and chattels out of which to collect the same, the city treasurer, within one year thereafter, may apply on affidavit to the county judge of said county and obtain an order requiring such person, firm, estate or corporation to appear before such county judge, or before a referee named in such order, and answer concerning his, their or its property. The same proceedings may in all respects be had as in cases supplementary to execution, and the same costs and disbursements may be allowed against the person, firm, estate or corporation examined concerning his, their or its property, but none shall be allowed in his, their or its favor. The tax, if collected, shall be paid over to the treasurer, and the costs collected shall belong to the party instituting the proceeding, and shall be applied by him to the payment of the expenses of the proceeding.

§ 9. **Collection of judgment.**—Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law and all the provisions of law in reference to sale and the redemption of real estate on executions, or to proceedings supplementary to execution, shall apply to sales, redemptions, or such proceedings which may be had under this act.

§ 10. **Assessment roll; presumptive evidence.**—The certificate of the city treasurer that any tax remains unpaid shall be presumptive evidence of the truth of the statements in such certificates, in all courts and places, and in all actions and proceedings, and any assessment roll filed with the city treasurer, or a copy of the same certified by him, shall be presumptive evidence of the contents thereof, and the regularity of such assessment, in all courts and places, actions and proceedings and of the right to levy any tax or make any assessment therein mentioned.

§ 11. **Validity of tax, and action to test same.**—It shall be presumed that every tax levied is valid and regular, and that all the steps as required by law were taken and had until the contrary shall be made to appear. Any such action or proceeding commenced by any person or persons to test the validity or regu-

larity of any tax levied, shall be commenced within one year from the date of the delivery of the roll in which said tax is contained to the treasurer. The invalidity or irregularity of any tax shall not be available as a defense to any action or proceeding commenced after the expiration of one year from the delivery of the roll, as aforesaid, for the collection of said tax or assessment, or for the enforcement of any right or title by virtue of any sale thereunder, unless an action or proceeding to test the validity or regularity of such tax shall have been commenced within the time hereinbefore limited for commencing the same and shall be still pending, or such tax shall have been adjudged to be irregular or invalid.

§ 12. **Assessment not to be declared invalid.**—No assessment made under this act, or any act in force and applicable to the city of Tonawanda of* former village of Tonawanda at the time said assessment was made, which, by the terms of this act, may be corrected upon the application of any person interested, or by the common council, upon their own motion, shall be declared invalid, nor shall any action be commenced in any court for such purpose until application therefor, made in writing, setting forth the facts showing such invalidity, and duly sworn to by the applicant, shall have been first duly presented to said common council.

§ 13. **Cancellation of tax.**—Where the invalidity or irregularity of any tax or assessment appears upon the face of the proceedings, any party in interest may, after having made application to the common council of the city, as herein provided, apply by petition to the supreme court for an order cancelling the same. Said court shall require reasonable notice to be given to the city of such petition, and shall hear the proofs and allegations of the parties, and shall, in case such irregularity or invalidity is established, order such tax to be cancelled, and thereupon the same shall be cancelled by the city treasurer.

§ 14. **Transcript of unpaid taxes.**—Whenever the unpaid taxes and assessments, with the lawful fees and interest in addition thereto, on any one piece or parcel of land, shall have been in the hands of the city treasurer for one year, and shall amount to at least the sum of fifty dollars, the city treasurer shall make a transcript of the same, together with all other taxes and assessments in his hands on the same parcel of land. He shall certify

* So in original.

to the correctness of the transcript and deliver it to the city attorney.

§ 15. **Transcript, tax unpaid three years.**—Whenever any tax or assessment on any one piece or parcel of land shall have remained unpaid in the hands of the treasurer for three years, he shall make a transcript of the same, together with all other taxes and assessments in his hands on the same parcel of land. He shall certify to the correctness of the transcript and deliver it to the city attorney.

§ 16. **Action to foreclose lien of taxes.**—Upon receipt of the transcript and certificate, mentioned in either of the preceding sections, the city attorney shall forthwith bring an action in the supreme court or Erie county court in the name of the city of Tonawanda as plaintiff, for the foreclosure of the lien of taxes described in said transcript, and for a sale of the lands affected thereby. The course of proceedings in said action, down to and including the sale, shall be analogous to those in an action for the foreclosure of a mortgage on real property, and shall conform to the procedure and rules of the court prescribed therefor, except as herein otherwise provided.

§ 17. **Foreclosure action, parties defendant in.**—All persons having a lien upon, or interest or estate in said property, shall be made parties defendant in any such action, and all parties defendant, duly served with process, shall be barred and foreclosed of and from any lien upon, or interest or estate in said property by a sale of the property under judgment in said action.

§ 18. **Treasurer's transcript presumptive evidence.**—The transcript of the treasurer shall be presumptive evidence of the legality of the taxes and assessments therein described, and of the regularity of all the proceedings required by law to be taken before the delivery of the transcript and certificate to the city attorney.

§ 19. **Costs and disbursements in foreclosure proceedings.**—The city shall be entitled to recover the necessary actual disbursement made in each action and costs as herein provided; where judgment is taken by default, the costs taxed shall not exceed fifteen dollars, except where the amount shown to be due by said certificate, including interest, shall exceed fifty dollars, in which case the costs taxed shall not exceed the sum of twenty-five dollars; when such an action, however, is settled before judgment,

there shall be allowed as costs to the city only half of the prescribed sums. The city attorney shall be entitled to the costs so recovered.

§ 20. *Costs in unsuccessful actions.*—Whenever the owner in fee of the property shall interpose an unsuccessful defense to the claim of the city, the same costs may be awarded to the city as would be allowed in a similar action to foreclose a mortgage, except that no percentage shall be allowed.

§ 21. *Personal judgment against defendant.*—Whenever any other party defendant shall interpose an unsuccessful defense, the same costs as provided in the preceding section may be allowed, and a personal judgment shall be entered therefor against such defendant.

§ 22. *Costs against city.*—Whenever any party defendant shall successfully interpose a defense to the claim of the city, he may be awarded the same costs against the city as would be allowed him in a similar action to foreclose a mortgage, and judgment therefore shall be entered against the city.

§ 23. *Sale in foreclosure action.*—Whenever a judgment of foreclosure and sale shall be ordered in such an action, it shall direct the treasurer to act as the officer to make the sale, but he shall not be entitled to any fees for such service.

§ 24. *City to bid in foreclosure action.*—On every sale the city attorney shall bid for the city the amount of the judgment, together with the interest thereon, and the costs and expenses of the sale, and such further sum as may be required to pay all taxes and assessments levied by the city subsequent to those for which the judgment has been obtained, with the additions thereto; and if no further bid is received, the property shall be struck off to the city of Tonawanda. Out of the proceeds of any such sale, the costs of this action and the expenses of the sale shall be first paid to the city attorney, and then the moneys adjudged to be due, with the interest, and the amount of all taxes and assessments, with the lawful fees and interest, in addition thereto, levied by the city subsequent to those for which the judgment was obtained, shall be paid to the city treasurer, and the same shall go into the general fund, and he shall account therefor to the common council. The surplus, if any there be, shall be paid into court, subject to the further order of the court.

§ 25. **Tax sales made subject to liens.**—The sale shall be made subject to all state and county taxes and liens in favor of the United States, which are a lien at the date of the sale. The lien of all taxes and assessments levied by the city on the lands sold, prior to the sale, shall be extinguished thereby.

§ 26. **Redemption of tax or assessment.**—At any time after any tax or assessment has become a lien upon any parcel of land, and before the final sale under the judgment of foreclosure, any person having a lien by mortgage thereon may pay said tax or assessment, with the interest, costs and expenses thereon, if any, to the proper officer of the city having the same for collection, and thereupon an assignment of said tax or assessment shall be executed to such person so paying, and he may add the amount so paid to his lien, and enforce it, with interest thereon as a part thereof. In case of two or more mortgage liens upon the same property, the holder of the prior mortgage shall have the right to redeem such tax or assessment, if held by the holder of a subsequent mortgage, at any time before the sale of the land under a judgment of foreclosure obtained on such subsequent mortgage.

§ 27. **Certificate of sale.**—The treasurer, immediately upon the sale of any parcel of land by virtue of a judgment as hereinbefore provided, must make out, subscribe and acknowledge before some proper officer, duplicate certificates of the sale containing, first the name of the purchaser and the time when the sale was made; second, a particular description of the parcel of land sold; third, the price bid and paid therefor. The treasurer must deliver one of said duplicate certificates to the purchaser, and file the other in the office of the clerk of Erie county, who shall record the same and index it in the name of the owner or person against whom the assessment was made, and such other persons as the attorney may direct. Such record shall have the like effect as notice of sheriff's certificates of sales of land on execution.

§ 28. **Title of lands sold in foreclosure actions.**—Within one year after such sale the owner of the land sold or his heir, devisee or grantee who has acquired by inheritance, devise, deed, sale by virtue of a mortgage or of an execution, or by any other means, an absolute title to said land or an undivided portion thereof, may redeem said land by paying to the city treasurer, for the use of the city or person entitled thereto, the sum of money which

was bid upon the sale, with interest from the time of the sale at the rate of twelve per centum per annum; whereupon said certificate of sale, and said sale, judgment and all the proceedings in the action shall become null and void, and any interested person may at his own expense have the same cancelled of record, by a motion in the action; but until said redemption shall be made neither such owner nor occupant nor any other person shall have the right to dispoil such land or its value, or commit waste thereupon by the injury or destruction of any building or other erection or structure thereon, or in any other manner whatsoever; and in a proper case may be restrained therefrom and punished therefor in the manner provided in sections one thousand four hundred and forty-two, one thousand four hundred and forty-three and one thousand four hundred and forty-four of the code of civil procedure.

§ 29. **Redemption of lands.**—In cases of redemption as last above provided, the treasurer shall pay on demand to the person entitled thereto the money received on such redemptions, or if said city was at the time the owner of the certificate of sale, he shall place the amount received in the general fund and account therefor to the common council.

§ 30. **Deed of property sold in foreclosure action.**—In case any land so sold shall not have been redeemed as above provided, the city treasurer, at any time after the time of redemption shall have expired, shall, upon demand therefor, execute and deliver a deed of the land so sold to the purchaser, his heirs or assigns. Said deed shall contain a proper reference to the proceedings and shall be under the city seal, and shall be acknowledged in due form by the treasurer so as to entitle it to be recorded. The expenses of the deed shall be paid by the person demanding the same.

§ 31. **Sale of lands bid in by city.**—In cases where land shall have been sold for taxes and purchased by and conveyed to the city as hereinbefore provided, the city treasurer shall, on the first Monday in September in each year, at ten o'clock in the forenoon, at the common council chambers, sell all such land at public auction to the highest bidder for cash. Notice of such sale specifying the time, place, each parcel of land to be sold, the manner and terms of sale, shall be given by the treasurer by publication thereof in the official paper once in each week for three successive

weeks next preceding the day of sale. Said sale shall be open to all persons, and the same shall be fairly conducted, without preference or undue haste. Each lot or parcel of land shall be separately exposed for sale, as far as practicable. Upon payment by the purchaser of the sum for which any lot or parcel was sold, the treasurer shall execute and deliver to him a deed thereof, under the city seal, which the treasurer shall properly acknowledge, so as to entitle it to be recorded. In case any purchaser fails to complete his purchase of any parcel or parcels of land on the day of sale, the sale shall be held open as to such parcel or parcels of land until the next following day at ten o'clock in the forenoon, when, if the sale be still incomplete, the lands shall be again exposed for sale without further notice, and sold in like manner as above prescribed. The city shall have the right to reject any and all bids where the bid received does not equal the cost to the city of such property in addition to the tax for which the same was sold.

§ 32. *Publication of notices, et cetera.*—All summons, orders, notices of sale or any other paper or proceeding required to be published in a newspaper by the provisions of this act, or by order of the court, may be published in the official newspaper of the city, or any newspaper published within the county of Erie.

§ 33. *Searches.*—The city attorney shall procure, either from the county clerk or some duly incorporated title and abstract company such foreclosure searches as may be necessary; the cost of which shall be taxed as a necessary disbursement in the action.

§ 34. *Release, correction and reassessment of taxes.*—The common council of the city may, in their discretion, release, discharge, remit, or commute any portion of the taxes assessed or levied against any person or property when justice requires or for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands, or in the description of the owner or occupants, the common council may, in their discretion or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the prop-

erty, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the common council are hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city treasurer to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made.

§ 35. Addition of omitted taxes to roll.—In case any taxable lands have been omitted in any part of the general tax rolls for any of the three preceding years, the assessors may insert, or cause to be inserted in the roll for the current year, in addition to, its share of the tax for such year, the proportion of the taxes it should have borne in such preceding years, or either thereof, stating such additional taxes separately, and such additions shall be collected as part of the tax for the current year.

§ 36. Apportionment of taxes upon separate parcels of land.—The common council may, before sale, apportion any unpaid tax, and determine the amount thereof chargeable against any separate parcel of the lands originally assessed therefor on such equitable principle as to it may seem applicable in the premises, and on payment of the sum so determined, together with the pro rata proportion of any interest, addition, fees or expenses which may have accrued thereon, said tax shall be extinguished as to such separate parcel, and the remainder thereof shall continue a lien on the remainder of the lands originally assessed therefor.

§ 37. Application of title.—All the provisions of this title are hereby made applicable to all village taxes of the former village of Tonawanda heretofore levied or assessed, and to the collection of all local assessments and taxes for local improvement, except as in this act otherwise expressly provided. But nothing contained in this act amendatory thereof, shall be held or construed as in any way affecting the validity or lien of any state or county tax heretofore or hereafter to be levied, assessed upon or against any of the real estate in this act referred to, or sold, or in any way depriving the county of Erie, or state of New York, by its proper officers, from enforcing the collection, by sale or otherwise, of any such tax from or against any of said lands or real estate.

§ 38. *Limitation of title.*—Nothing in this title contained shall be construed to repeal or abridge any other power or remedy for the collection of taxes or local assessments in the city of Tonawanda or former village of Tonawanda where any sale has been made under any other power or remedy and such sale has not been consummated by the issuance of a tax deed; and such other power or remedy may be proceeded with in the same manner and with like effect as though such other power or remedy were still of full force and effect, except that where the city of Tonawanda or former village of Tonawanda has started proceedings to enforce the collection of any tax or local assessment under any such other power or remedy and said city has become the purchaser at any sale made pursuant to such other power or remedy, provided, however, no tax deed has been issued, the said sale and all proceedings had under such other power or remedy are hereby cancelled and discontinued, and the said taxes and local assessments to enforce which said proceedings were taken, are hereby declared a lien against the several pieces or parcels of land upon which said taxes or local assessments were levied or assessed, in the same manner and to the same extent, as though such proceeding had not been taken, and the city of Tonawanda is authorized to enforce the collection of any such taxes or local assessments in the manner provided for by this title.

TITLE XIX.

Police board.

Section 1. *Qualifications.*

2. Shall appoint policemen.
3. Chief and sergeant.
4. Meetings of board.
5. Powers of board.
6. Powers and duties of policemen.
7. Rewards.
8. Uniforms.
9. Special policemen.
10. Presents prohibited.
11. Powers and duties of chief.

Section 1. *Qualifications.*—The police board of the city shall be composed of police commissioners. No person shall be appointed

to the office of police commissioner, chief of police or sergeant, or shall any person be appointed a policeman who, at the time of such appointment, shall be engaged or interested in a saloon or hotel, or in anywise connected or concerned in the manufacture or sale of spirituous or malt liquors, ale or beer; and in case any person appointed to the office, shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease and the office become vacant.

§ 2. **Shall appoint policemen.**—The police board shall appoint policemen, and control and regulate the policemen of said city. The policemen and officers of the police force of the city of Tonawanda in office at the time this act takes effect, shall continue to be policemen, but subject to removal by affirmative vote of the majority of the commissioners when they shall be found to be incompetent or negligent, or guilty of misconduct, in and about, or unable to perform the duties of his office, or guilty of wilfully violating any of the rules and regulations or orders of the police board, or any superior officer, and they shall appoint in his place and stead some other proper person.

§ 3. **Chief and sergeant.**—The board may appoint from the policemen of the city the chief of police and one sergeant. The number of policemen, including chief of police and sergeant, shall not exceed eight. The policemen shall receive for their services such compensation as shall be fixed by the board, not exceeding in the case of the chief the sum of sixty dollars per month, in the case of the sergeant the sum of fifty-five dollars per month, and for each patrolman not exceeding the sum of fifty dollars per month.

§ 4. **Meetings of board.**—Said board shall meet at the common council chamber at such time or times as they may designate or appoint, except when the common council shall hold their sessions there, and also on special occasions when called for by the mayor, or any two of said police commissioners, by notice in writing signed by him or them, specifying the time when said special meeting is to be held, and served on each police commissioner not signing the same, either personally or by leaving the same at his residence.

§ 5. **Powers of board.**—The police board shall have power to enforce within said city the laws of this state relating to the

police thereof, and may prescribe and enforce rules, by-laws and regulations for the government of the police force of the city not inconsistent with the laws of this state, which shall be promulgated through the chief of police to the whole police force, and said chief shall have the immediate direction and control of the policemen under such rules.

§ 6. Powers and duties of policemen.—Said chief, sergeant and policemen shall severally possess the powers and authority of a constable at common law, and under the statutes of this state; they shall also severally perform such duties as shall be prescribed by this act and by the common council for the preservation of the public peace, the care of the city property, and the enforcement of the police regulations and municipal ordinances of said city. Their necessary traveling expenses in serving criminal process beyond the city limits, or conveying convicts to a prison outside of the city, shall be paid by the city after the bill for the same has been properly audited as herein prescribed.

§ 7. Rewards.—The board of police, with the consent of the common council, may offer rewards to induce persons to give information which will lead to the detention, arrest and conviction of persons guilty of crime or violation of penal ordinances within the city; and such rewards shall be paid by the city to the person who shall give such information, upon the certificate of the board that such person is properly entitled thereto.

§ 8. Uniforms.—Members of the police force, while on duty, shall wear uniforms, provided by themselves and prescribed by said commissioners, except that revolvers, handcuffs, badges and batons shall be furnished by the city.

§ 9. Special policemen.—The police board shall have the power to appoint special policemen at any time, to serve without compensation from the city, unless authorized to be paid by a three-fourths vote of all the members of the common council at a regular or special meeting.

§ 10. Presents prohibited.—No policeman or special policeman, or officer of the police force, shall receive any present or reward for services rendered, or to be rendered, unless with the approval of the police board; such approval shall be given in writing and filed with the city clerk. Any policeman who shall receive any fee or reward in violation of this section shall forfeit his office.

§ 11. Powers and duties of chief.—The chief of police shall have the power, between the hours of seven o'clock in the evening and nine o'clock in the morning of the following day, to entertain complaints for criminal offenses, and to issue warrants for the arrest of persons charged with such offenses, which warrants shall be made returnable before the city court or the judge thereof, and to fix and accept bail until such time as such warrant is returnable. He shall also have power to commit any person charged with a criminal offense, until examination shall be had before the proper magistrate; and he is empowered to administer oaths and to take affidavits in all matters pertaining to his duties under this act, or relating to the police department. It shall be his duty to keep a record in suitable books of all arrests, and all services performed by him and the several policemen. And he shall keep books to be known as the property books in which shall be entered all articles taken from persons arrested or seized on warrant or otherwise, together with the disposition thereof. He shall, at least once in each month, report, to the board the condition of the department, and whether the members of his force are delinquent in their duties. He shall be harbor master of the city.

TITLE XX.

The board of public works.

Section 1. Organization.

2. Rules and regulations.
3. Recommendations to the common council.
4. Expenditures without order of common council.
5. Expenditures in pursuance of the orders of the common council.
6. Execution of public works and payment therefor.
7. Funds from which expenditures are payable.
8. Construction and repair of sidewalks, gutters and culverts.
9. Powers.
10. Grades.
11. Building material in streets.
12. Shall be commissioners of highways.
13. Electric light plant.
14. Control of waterworks.

Section 15. Duties as to supply of water; acquisition of lands.

16. Same; preliminary proceedings.

17. Same; condemnation proceedings.

18. Perfecting title; injunction.

19. Use of streets and highways; sale of water.

20. Water rents.

21. Connecting pipes.

22. Assessment for fire protection.

23. Water rents; how applied.

24. Board may sue and defend.

25. Board to establish rules and regulations for enforcing water rents.

26. Annual report.

27. Tax for deficiency to pay interest on bonds.

Section 1. Organization.—The board of public works shall elect one of its members president, who shall be its presiding officer, and the city clerk shall be secretary thereof. Three members of the board shall constitute a quorum, but no action of the board shall be taken except by the concurring vote of three members of the board. The board shall cause to be kept by its secretary a journal of its proceedings, full and accurate account, and records of all moneys appropriated by it, of all officers appointed, suspended, or removed by it, of all liabilities incurred, work performed, employees engaged and contracts executed by it in behalf of the city, and all matters pertaining to the execution of the duties of the board.

§ 2. Rules and regulations.—The board of public works may make rules and regulations not inconsistent with law, for the conduct of its business and of the business of the superintendent of public works, for the employment, dismissal, discipline and government of the persons engaged by it as employees of the city, and for the performance of all work authorized to be undertaken by it.

§ 3. Recommendations to the common council.—It shall be the duty of the board of public works, from time to time, to recommend to the common council such ordinances for the care, preservation and regulation of the streets, parks, public grounds, cemeteries, and sewers of the city as it shall deem best suited to the purpose; and such new public works, repairs and improve-

ments as the board may deem necessary with a detailed statement of the estimated cost of construction and maintaining such works or improvements, and if such recommendations be upon the subject of paving or macadamizing the streets, or constructing sewers, the board shall also recommend the system, size and material thereof.

§ 4. **Expenditures without the order of common council.**—The board of public works of the city shall, either with or without the order or direction of the common council, make all ordinary and necessary repairs to the streets, bridges, public grounds, parks and sewers of the city, and to the channels of all creeks, ditches or streams passing through the city, and construct, maintain, and improve sidewalks, crosswalks, gutters and culverts; and it shall be the duty of the board to keep the same in good and proper repair. The board of public works shall not make any other expenditures or contract any liability for any other purpose, except as authorized or ordered by the common council, except expenditures upon city waterworks as hereinafter provided.

§ 5. **Expenditures in pursuance of orders of the common council.**—The board of public works shall have control of the expenditures by the city, when ordered by the common council, of all the moneys for the construction, maintenance, improvement, repair and cleaning of the streets, sidewalks, crosswalks, culverts, bridges, gutters, public grounds, parks and sewers of the city, and for improving the channel of all creeks, ditches, or streams passing through the city; for removing obstructions therefrom, and for covering the same by arches and keeping them in repair; and for the paving, macadamizing and sprinkling of the streets. The board shall also have control of the expenditures, when ordered by the common council, of all funds, donations, incomes and receipts for or on account of any such purposes.

§ 6. **Execution of public works and payment therefor.**—The board of public works shall select, designate and purchase such supplies and materials, employ such necessary superintendents, inspectors and employees, purchase such stationery, tools, implements and machinery, rent such grounds and premises and furnish the same as may be required for the proper carrying on of the business of the board and the prosecution of its works. The board shall have control of all parts of work or construction contracted by it to be performed until said work shall be completed and by it accepted.

§ 7. Funds from which expenditures are payable.—All expenditures in payment of the city's share of the expense of paving and macadamizing shall be payable from the contingent fund. All expenses incurred by the board of public works for each local improvement, which are chargeable to neighboring property owners and collectable by local assessment if advanced by the city in anticipation of the collection of a local assessment, shall be payable from the contingent fund.

§ 8. Construction and repair of sidewalks, gutters and culverts.—Whenever the common council shall order, or the board of public works shall deem it necessary, that any sidewalk, gutter or culvert be made, constructed, graded, regraded or relaid, or any gutter or culvert repaired, the board shall prescribe the width and length of the sidewalk, the materials of which it is to be constructed, the form and manner of the construction of the gutter or culvert, and the city superintendent of public works shall immediately require the owner of the adjoining land to do such work by a notice served similarly to that in this section provided, and in case of the owners* neglect or refusal to do such work within ten days, the superintendent of public works shall immediately do such work. When any sidewalk in the city shall be in an unsafe condition or in need of repair it shall be the duty of the city superintendent of public works to forthwith give written notice to the owner of the adjoining land to repair the same within twenty-four days from date of said notice, and in case of the owner's neglect or refusal to make such repairs within the time stated in said notice, the superintendent of public works shall immediately do such work. The city superintendent of public works, after doing any of the work in this section described, shall then give notice of the expense of such work to the owner, requiring the payment thereof to the city treasurer within ten days after the service of such statement. Written notice thereof shall be served upon the owner personally or inclosed in a post-paid wrapper and deposited in the postoffice addressed to such owner at his last known postoffice address. If such expense be not paid to the city treasurer within the time prescribed therefor, the city superintendent of public works shall file his affidavit of the actual expense thereof with the clerk of the city, who shall deliver the same to the assessors on or before the first day of

* So in original.

June in each year, and the same, together with the interest thereon at twelve per centum per annum from the date of filing such affidavit added thereto, shall thereupon be assessed by the assessor against the owner of such adjoining premises, and upon said premises at the same time as the annual tax assessment is made by said assessors and shall be included in said annual assessment roll, and collected in the same manner as the city taxes are collected, with interest thereon at the rate of twelve per centum per annum from the date of such assessment. Whenever any sidewalk, gutter or culvert shall be relaid or constructed it shall be relaid or constructed upon the grade fixed by the board of public works. The gutters in streets paved and macadamized in whole or in part by local assessment shall be kept in repair at the expense of the city. Whenever any person owning or occupying land adjoining a street, shall with the consent of the board of public works construct a sidewalk of stone, cement or other similar material along the line of such land, of the width of four feet or more, it shall be the duty of said board of public works to examine the same when finished and to rebate to the owner or occupant thereof one-third of the rate per square foot; such rate to be established by the board of public works. Claims for such rebate shall be presented and audited in the same manner as other claims against the city; but no rebate shall be allowed unless the sidewalk so constructed shall be of a good and substantial character and in accordance with the requirements as to sidewalks of such character which may be adopted by the board of public works.

§ 9. Powers.—The department of public works shall have exclusive authority.

1. To permit the excavating in any public street or the opening of any public sewer of said city at such time and in such manner and under such regulations and superintendence thereof as said department may prescribe in their order granting such permission. Any expense incurred by such department in any such superintendence or restoring or repairing such street or sewer shall be a lien, until paid, upon the premises or lot for the benefit of which any such work is done, and shall be enforced as unpaid claims for the construction of sidewalks are directed to be enforced by the provisions of this act, and the city of Tonawanda shall have a lawful demand against the applicant to

whom such permission may have been given for such expense, and the same may be sued for in the name of the city and recovered by said department, and when collected shall be paid to the city treasurer to the credit of the fund against which such expense is properly chargeable.

2. To regulate the width and grade of sidewalks in said city and also to regulate the width of space between the sidewalks and the curb line in the streets thereof.

3. To employ the services of a civil engineer or surveyor, in all matters pertaining to said department requiring such services.

§ 10. Grades.—It shall have exclusive power, and it shall be its duty to determine and establish the grades of all streets, squares, alleys, lanes and roads of the city, and the roadways, sidewalks, crosswalks, curbstones, gutters and drains thereon, and all sewers repaired or constructed under its supervision, and to call upon a civil engineer to make and furnish any and all surveys, plans and estimates which it may require of him in the performance of any of the duties imposed by this title. All grades established by it shall be described, and the description of such grades, and of all alterations thereof, shall be recorded by the secretary of the board in a book of* books to be called "grade books," which shall be preserved in its office. All surveys and measurements made under its direction, adopted and acted upon, shall be recorded in detail in books to be called "survey books" which shall be preserved in its office.

§ 11. Building material in street.—It shall have charge of the cleaning of the highways of the city, and shall have power to make contracts for such work, and to secure and enforce the performance thereof. It shall have full power and authority to compel the removal by action or otherwise, of all incroachments and nuisances from any of the highways, of the city and it shall provide for the placing and maintenance of sufficient barriers and lights around any excavation or obstruction in any highway. It shall have full power to regulate and control the deposit of building materials in highways of the city, and to prescribe in each case the amount of space to be occupied thereby, and any person or corporation who shall refuse or neglect to obey any order of said board in relation thereto, after service of a copy thereof upon him or it in the manner prescribed by law for the

*So in original.

service of a summons in an action of a court of record, shall be subject to a fine not exceeding fifty dollars for each day such obstruction shall remain after service of such order.

§ 12. Shall be commissioners of highways.—The commissioners of public works in said city shall be commissioners of highways in and for said city, and shall have all the powers of commissioners of highways in towns subject to the provisions of this act, and shall succeed to all the powers vested in and liabilities resting upon the town of Tonawanda and the highway commissioners thereof so far as the same relates to streets, roads, highways, alleys, ditches, creeks or bridges wholly or partly within that portion of the heretofore existing town of Tonawanda which lies within the corporate limits of the city of Tonawanda. The commissioners shall serve without compensation, but all their necessary expenses of traveling on business under this title shall, after audit and allowance by the common council, be allowable to them out of the contingent fund.

§ 13. Electric lighting plant.—The board of public works shall have power, when authorized by a vote of a majority of the taxpayers voting at a special election ordered by the common council for that purpose, to contract for, purchase or equip and operate and maintain an electric plant for lighting the streets, highways, alleys, parks, public places and all municipal buildings, and to acquire electric power or electricity for producing light or power and to furnish light to private consumers.

§ 14. Control of waterworks.—The board of public works is vested with the charge, management and control of the water works, reservoirs, pipes, hydrants and of all buildings, structures and premises pertaining thereto, and of all machinery, tools, appliances and materials used in connection therewith, which may now belong to or hereafter be acquired by the city.

§ 15. Duties as to supply of water; acquisition of land.—It shall be the duty of the board of public works to examine and consider all matters relating to supplying the city with pure and wholesome water; it shall adopt such plans as, in the opinion of said board, may be most feasible for procuring such supply of water, and may at any time before the appointment of commissioners of appraisal, as hereinafter provided, amend the same. Such plans shall embrace proper distribution pipes and supplies for all streets and places where, in the opinion of said board, it shall be of interest

to the city for domestic, manufacturing or other proper purposes, or for protection against fire, and said board shall ascertain the probable amount of money necessary to carry the same into effect; it shall have power to contract for, purchase and take by deed, or other instrument under seal, in the name of said city, all lands, streams, water, water rights, or other property, real or personal, or rights therein, situate at any place in the county of Erie, which may be required for the purpose, and also the right to lay, relay, and maintain pipes through lands, and to take, detain or divert water or streams of water which may be required for the purpose without taking the fee of the lands through which the pipes are laid or over which such streams or water flow, and to contract for the execution of the work, or any part thereof, or the supply of any necessary material; and in case it shall at any time be deemed necessary by the said board of public works for the purpose of enlarging, improving or perfecting the supply of water undertaken to be provided pursuant to said act, or the source, means or mode of supply, to acquire any additional lands, streams, water or water rights, or other property, real or personal, or rights therein, said board shall have power to contract for or purchase or acquire the same, and also the right to lay, relay, and maintain pipes through lands, and to take, detain or divert water or streams of water which may be deemed necessary by the said board, without taking the fee of the lands through which the pipes are laid or over which such streams of water flow, in the like name and manner and with like effect as is provided by this title, for taking or acquiring any such property or rights in the first instance; and the said board of public works, its servants and agents, are authorized to enter upon any lands, streams or water for the purpose of making any surveys, and to agree with the owner of any such property or right which may be deemed necessary for the purposes of this act, as to the amount of compensation to be paid such owner, subject to a revision by the court, upon the application of any three taxable inhabitants of the city.

§ 16. Same; preliminary proceedings.—Before entering upon, detaining, taking, diverting or using any lands, streams or water, or rights therein, for the purposes herein set forth in sections fourteen and fifteen of this title, said board of public works shall cause a survey and map to be made of the lands, water or streams

intended to be taken, diverted or affected, or in which a right is intended to be taken for any of said purposes, on which map the lands, streams or water of each owner or occupant shall be designated, and which map shall be signed by the president of said board of public works and its secretary, and shall be filed in the office of the county clerk of the county in which said lands, streams or water are situated; said board shall also, in all cases, by an order made by it, and signed by its president and secretary to be attached to and filed with said map, describe the lands, streams or water, and the title and interest therein, which it intends to acquire for the purposes of such improvement. Any map and order heretofore or hereafter filed under the provisions of this act, may be amended in the discretion of the board of public works, at any time before the appointment of commissioners of appraisal as in the next section provided, by filing in the said county clerk's office a new or further map and order conforming in all respects to the requirements of this section, together with a notice, signed by the president and secretary of said board, that the said map and order then on file have been amended, and thereupon the said new and further map and order shall have the force and effect of the map and order so amended, and the map and order last named shall be deemed withdrawn, except so far as they relate to proceedings and acts already had and done. Whenever said board of public works shall deem it necessary to take, detain or divert any additional land, streams or water, or rights therein it shall make, or cause to be had, and filed a like map and order, in the same place, and authenticated in the same manner as is required in taking like property or rights in the first instance, showing and describing such additional lands, streams or water, and the rights, title and interest therein, intended to be taken; at any time within one year after the filing of any such map and order or amended map and order, said board of public works may take possession of such lands, streams or water, or of the right, title or interest therein intended to be taken, and specified in said order or amended order, or of any part thereof, and use the same for the purposes of such improvement, without any suit or proceedings at law; provided, however, that within the time last aforesaid said board shall, if it does not agree with the owner or owners thereof as to the compensation to be paid therefor, commence proceedings as pro-

vided in the next section, to acquire such title; and the credit of the city, for the benefit of which said improvement is undertaken, shall be, and hereby is, pledged for the payment of the compensation for the property taken.

§ 17. *Same; condemnation proceedings.*—Whenever any such board of public works is unable to acquire by agreement any lands, streams, water or other property, or the right, title or interest, if any, less than a fee in land, or the right to use and divert any water or streams required or deemed necessary for the purposes of supplying said city or its inhabitants with water, or extending its system of waterworks or supply of water, it shall have the power to acquire the same in the manner and by the proceedings prescribed in the following subdivisions:

1. Said board of public works for the purpose of acquiring the lands, streams, water or other property, or right, title or interest, if any, less than a fee in lands, or the right to use and divert any water or streams, which may be deemed necessary by it, shall present a petition to the supreme court at any special term thereof held in the judicial district in which the property described in the petition is situate, praying for the appointment of the commissioners of appraisal; such petition shall be signed and verified by the president or a member of said board, and shall describe the lands, water, streams or other property, and the right, title or interest, if any, less than a fee in land, and the right to use and divert any water or streams which said board desires to acquire, and shall give the names and places of residence of the owners and occupants thereof, so far as the same are known to said board of public works and must state in effect that such board of public works has duly organized, and entered upon the discharge of its duties, and that the right to appropriate, use and occupy the lands, streams or water or other property, or the right, title or interest therein mentioned and described in said petition is necessary for the purposes of the proposed improvement, and that such board of public works has not been able to acquire the lands, streams, water or other property, or the right, title or interest therein required from the owner or owners thereof or to agree with them in respect to the compensation to be paid therefor, and the reason for such inability. A copy of such petition with notice of the time and place the same will be presented to said court must be served on all

owners and occupants of said lands, streams, water or other property, or the right, title or interest therein required, at least ten days prior to the presentation to said court of said petition.

2. If the person on whom such service is to be made resides in this state, and is not an infant, idiot, or person of unsound mind, and the place of such residence is known to said board of public works, such service shall be made personally or by leaving the same at the usual place of residence of the person to be served with some person of suitable age.

3. If the person on whom such service is to be made resides out of the state, and has an agent residing in this state, known to said board of public works, and authorized to contract for the sale for such property so to be acquired, such service may be made on such agent in the manner prescribed by subdivision two, or in such other mode as the court may direct.

4. In all cases not herein provided for, for service of notices, orders, and other papers in such proceedings may be made as such court or any judge thereof shall direct.

5. On presenting such petition to such court with proof of service of the same and of such notice as hereinbefore provided, all persons so served, and all whom the court may permit to intervene may show cause against granting the prayer of the petition and may disprove any of the facts alleged in it. The court shall hear the proof and allegations of the parties, and if no sufficient cause is shown against it, an order shall be made appointing three disinterested and competent persons, who reside in the county where such property or some part thereof is situate, and who shall be freeholders, as commissioners, to ascertain and appraise the compensation to be made to the owner or owners of the lands, streams, water or other property, or the right, title or interest therein sought to be acquired, and fix the time and place for the first meeting of such commissioners of appraisal.

6. The commissioners of appraisal shall take and subscribe an oath substantially as prescribed by article thirteen of the constitution of the state. They shall have power to call witnesses, examine them and adjourn the proceedings from time to time in their discretion. Whenever they meet, except by appointment of the court or pursuant to adjournment, they shall cause a reasonable notice of such meeting to be given to the parties who

have appeared on such appraisal or to their attorney. Anyone of said commissioners may issue subpoenas for and administer the usual oath to the witnesses. They shall view the lands, streams, water or other property described in the petition and hear the proofs and allegations of the parties, and after the testimony is closed, and without unnecessary delay, they shall meet, ascertain and determine the compensation which ought justly to be made by the city to the party or parties owning the lands, streams, water or other property, or the right, title or interest therein, to be appraised by them; and in determining the amount of such compensation they shall not make any allowance or deduction on account of any real or supposed benefits which the owner or owners may derive from the proposed improvement. They or the majority of them, shall also determine and certify what ought to be paid to any special guardian of any infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner not personally served with notice of the proceedings, and who has not appeared for costs, expenses, and counsel fees. They shall make a report to the supreme court signed by them, or a majority of them of the proceedings before them, and transmit therewith the minutes of the testimony, if any. Said commissioners of appraisal shall each be entitled to receive five dollars for their expenses and services for each day they are necessarily engaged in such duties to be paid by the city.

7. On such report being made, the said board of public works shall give ten days notice in writing to the parties who have appeared or to their attorneys, that at a special term of the supreme court, at a time and place designated in said notice, a motion will be made for the confirmation of said report, and the court may thereupon confirm such report and make an order reciting the substance of such proceedings and the description of the lands, streams, water or other property, or any right, title or interest therein which has been appraised in such proceedings, and directing to whom such compensation is to be paid, or where or in what manner it shall be deposited.

8. Such order or a certified copy thereof shall be filed and recorded in the office of the clerk of the county in which such property of* some part thereof is situate, and thereupon and on payment or deposit of the sums to be paid as compensation as

*So in original.

aforesaid, and for costs, expenses, and counsel fees, the city of Tonawanda shall be entitled to hold and divert in perpetuity said lands, streams, water or other property, or the right, title or interest therein, so appraised for the purposes contemplated herein, and all rights of action by reason of such holding and diversion shall be forever barred. All lands, streams, water or other property or any right, title or interest therein acquired for the purposes contemplated herein, shall be deemed acquired for public use. Within twenty days of the confirmation of the report of the commissioners of appraisal, either party may appeal, by notice in writing to the other, from the appraisal and report of the commissioners of appraisal to the appellate division of the supreme court held in the department in which such property is situate. Such appeal shall be brought on for argument, and be heard according to the rules and practice of said court in similar proceedings. On the hearing of such appeal, the court may* affirm such report or direct a new appraisal before the same or new commissioners in its discretion, and the second hearing, determination and report shall be made in like manner as the first. The second report shall be final and conclusive upon all parties interested. If the amount of compensation to be paid by said city is increased by the second report, the difference shall be paid by said city to the persons entitled to the same or shall be deposited as the court may direct. If the award has been paid and the amount thereof shall be diminished, the difference shall be refunded by the party who has received the same, and judgment therefor may be rendered by the court on the confirmation of said second report against the parties liable to refund the same, and in favor of the city, which judgment shall be docketed and enforced in the same manner as judgments in civil actions.

9. If there are adverse or conflicting claims to the money to be paid as compensation as aforesaid, or any part thereof, the court may direct the money to be paid into court, and may determine who is entitled to the same and to whom the same shall be paid, and may, in its discretion, order a reference to ascertain and report the facts.

10. The court shall appoint some competent attorney to appear for and protect the rights of any unknown owner or of any owner

* So in original.

whose residence is unknown, and who has not appeared in such proceedings. The court may, also, upon application, by or on behalf of any infant or person of unsound mind, who as owner or owners are interested in the lands, streams, water or other property, or the right, title, or interest therein, to be acquired or in default of such application, then at the time of the presentation of the petition upon the application of the board of public works, appoint some suitable person or special guardian of such infant or person of unsound mind, who shall appear and care for the interests of such infants or persons of unsound mind. The court shall also have power at any time to amend any defect in any proceeding authorized by this act; or cause new parties to be added or such further notice to be given to any party as may be deemed proper, the court shall also have the power to fill any vacancy in the office of commissioners of appraisal that may occur by death, refusal or neglect to serve. During the pendency of any appeal or proceeding for review, the court may, in its discretion direct a stay of all proceedings for the collection of the award appealed from or sought to be reviewed.

§ 18. Perfecting title; injunctions.—Whenever it shall be found that the title to any such land, streams, water or other property, or the right, title or interest therein, taken or occupied and sought to be acquired by the said board of public works for any of the purposes set forth in section seventeen of this title is defective, said board may proceed to perfect such title in the same manner as if no appraisal had been made, and the supreme court, or any judge thereof, may in the meantime, on such terms as may be just, stay all actions or proceedings against the said board of public works and said city, their officers, servants and agents, on account of the use of the lands, streams, water or other property, or the right, title or interest therein so used under defective title.

§ 19. Use of streets and highways; sale of water.—The board of public works and all acting under its authority shall have the right to use the ground or soil under any street or highway in the city or any highway or road within the county of Erie for the purpose of introducing water into and through any and all portions of said city, and such rights shall be continuous for the purpose of repairing and relaying water pipes. Said board shall cause the surface of such highway to be re-

stored to its usual condition. Said board of public works may sell to a corporation or individual outside of the city, the right to make connections with the mains for the purpose of drawing water therefrom, and fix the prices and conditions therefor; but the board shall not sell or permit the use of water under this section if thereby the supply for the city or its inhabitants will be insufficient.

§ 20. *Water rents.*—The board of public works shall establish a scale of rents for the use of water, to be called water rents, and to be paid at such times as the board may prescribe, and may from time to time either modify, amend, increase or diminish such rents; such rents shall be a lien on the real property on which the water is used.

§ 21. *Connecting pipes.*—Supply pipes connecting with mains and used by private owners or occupants shall be laid and kept in repair at the expense of such owner or occupant. Such pipes shall not be inserted or connected with the main pipe except by the permission and under the direction of the board of public works; nor until a permit therefor shall be obtained from said board or some person authorized by said board to grant such permit. Said board of public works or its authorized superintendent or agent may at any time enter a building or upon the premises where water is used from supply pipes, and make necessary examinations.

§ 22. *Assessment for fire protection.*—A building and the lot upon which it stands, in or on which water from the water works is not used situated within five hundred feet of a hydrant, may be assessed by the board of public works for fire protection. Notice of the proposed assessment, and that the board will meet at a time and place specified therein to hear objections thereto must be served upon the owner or occupant of the building at least ten days before such meeting. The board shall meet at the time and place specified in the notice, and after hearing objections shall complete such assessment. Upon the completion of the assessment, the board shall make a certificate thereto and deliver the same to the city treasurer. The city treasurer may receive such assessments for thirty days without fee; and after that time an action may be brought to recover the assessment, or a special warrant may be issued therefor, or the amount may be included in the next annual tax levy.

§ 23. **Water rents; how applied.**—The entire annual receipts for water rents after deducting therefrom such sums as may be necessary to defray the expense of repairs of said water works, and of extending the same, and other necessary expenses, shall be applied toward the payment of the interest on the outstanding water bonds, or other evidences of indebtedness incurred for the water system, and also toward the creation of a sinking fund for the payment of the principal of said bonds as it shall from time to time become due and payable, which sinking fund shall be managed by said board of public works. No investment shall be made in behalf of such sinking fund, except in the bonds of the United States, of the state of New York, or of any city of this state, and in the bonds, certificates or other obligations heretofore or hereafter issued for the purchase, construction or extension of the water works system of the village or city of Tonawanda, which last named bonds, certificates and obligations the board of public works may purchase at any time when it shall have funds applicable, at prices not exceeding their par value and when so purchased said bonds, certificates and obligations shall not be reissued but shall be immediately cancelled.

§ 24. **Board may sue and defend.**—The board of public works may sue, complain or defend in any court, in the name of the city, in any action to enforce any contract with said board, or to enforce any claim for damages, water rents, labor or supplies connected with the building or carrying on of the water works, by said board. The complaint or answer of the city in such actions shall be verified by the oath of some member of the board. The complaint in actions against the city in such cases shall be served on the board of public works whose duty it shall be to defend the same in the name of the city. The damages and costs recovered by the city in such actions shall be paid to the city treasurer, to the credit of the water fund. The damages and costs against the city in such actions may be paid by the city treasurer from any funds in his hands not otherwise appropriated. The foregoing provisions of this section shall not apply to any actions now pending in the courts. All judgments against said board of public works, and judgments against any of the members thereof, where the transactions upon which the action was brought shall have been in the performance of their duties as such board of public works, shall

not be enforced against the individual property of any such members, but such claims on which such judgments shall have been obtained may be prosecuted against the city as provided by law.

§ 25. Board to establish rules and regulations for enforcing water rents.—The said board of public works shall have power from time to time, to make and establish such by-laws, rules and regulations, not inconsistent with the laws of this state or of the United States, as it shall judge proper for enforcing the collection of water rents and manner of using water, and may provide regulations as to the use of water, and enforce the observance thereof, by cutting off the use and supply of water, or by the imposition of penalties.

§ 26. Annual report.—On or before the thirty-first day of December in each year the board of public works shall file with the city clerk a report containing a statement of the following facts:

1. The amount of money on hand at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year, and the balance on hand.

3. The improvements and extensions made during such preceding year and the general conditions of the water works.

4. Such other facts as the board deem important for the information of the city, together with such recommendations concerning the departments as may be deemed proper.

§ 27. Tax for deficiency to pay interest.—In case the estimated amount of the entire annual receipts for water rents after deducting therefrom such sums as may be necessary to defray the expenses of repairs of said water works, and of extending the same, and other necessary expenses shall in any year not be sufficient to pay the interest for that year upon the outstanding bonds or indebtedness for that year, said board of public works shall report the amount of such deficiency to the common council, which shall cause such amount to be assessed, levied and collected from the taxable property of said city at the time and in the same manner as other expenses of said city are assessed, levied and collected, which sum so raised shall be applied to the payment of such interest.

TITLE XXI.

Fire department.

Section 1. How constituted.

2. Fire department.
3. Powers and duties.
4. Control of property.
5. Annual estimate and report.
6. Salaries of chief and assistant engineers.

Section 1. **How constituted.**—The board of fire commissioners of the city shall be composed of the fire commissioners, who shall receive no compensation for their services. The board shall elect one of its members as its president, who shall be its presiding officer, and the city clerk shall be the clerk of said board.

§ 2. **Fire department.**—There shall be a fire department in said city, to consist of a chief engineer, and an assistant engineer, who shall hold office for one year, and until their successors are appointed, and a competent number of able-bodied men, citizens of the United States, inhabitants of said city, to be organized into companies with the approval of the fire commissioners. Vacancies in any company shall be filled by the board of fire commissioners upon the nomination of the company.

§ 3. **Powers and duties.**—The board of fire commissioners shall establish rules, regulations and ordinances for the protection and preservation of property and apparatus of the department, for the prevention of danger from fires, for the appointment, discharge and dismissal of the officers or members of the companies, for the hearing and trial of complaints, the settlement of disputes, and for the government and discipline of the fire department, and may impose reasonable penalties for a violation thereof. It may inquire into the cause and origin of fires occurring in the city, and may take testimony in relation thereto. It may prescribe the powers and duties of the chief engineer, the assistant engineer and of the city firemen, and shall have power to disband or consolidate companies in its discretion.

§ 4. **Control of property.**—The said board shall have the care, custody and control of all property now owned or hereafter acquired by the city, in the possession of the fire department. It may purchase fire engines, hose, horses, tools, implements and

apparatus suitable and necessary to prevent and extinguish fires within the city, and to keep the same in good repair.

§ 5. **Annual estimate and report.**—The said board shall on the last business day in each fiscal year, prepare an estimate of the cost of maintaining the fire department for the ensuing year, and certify the same to the common council, and the amount fixed by the common council shall be included in the annual tax levy for the current year. Each annual estimate shall include any surplus of the previous year fire department fund unexpended. Said board shall report to the common council annually, at the same time, a detailed statement of all moneys received and disbursed by them.

§ 6. **Salaries of chief and assistant engineers.**—The salaries of the chief engineer and assistant engineer shall be paid from the funds of the fire department, and at such times as the commissioners shall fix and determine, but not, however, in advance.

TITLE XXII.

City schools.

Section 1. Boundaries.

2. Board of education; how constituted.
3. Organization.
4. Powers.
5. Duties.
6. Certificate of expenses.
7. Common council, to include amount stated in certificate in tax levy.
8. School moneys to be kept separate.
9. Purchase of site and buildings.
10. Report of expenditures.
11. State apportionment payable to treasurer.
12. Ordinance for school property.
13. Sinking fund.

Section 1. **Boundaries.**—All territory included within the boundaries of the city of Tonawanda shall constitute a separate school district within this state, and shall be designated as the "union school district of the city of Tonawanda." It may bear such other additional designation as the superintendent of public instruction of this state may by law prescribe. Such district shall be entitled to all rights, powers, privileges, public moneys and

other benefits conferred by law or other state authority upon school districts, and shall be subject to all the rules, regulations, powers of inspection, and superintendence prescribed by law applicable to school districts in cities except as otherwise provided by this act.

§ 2. Board of education; how constituted.—The affairs of said union school district of the city of Tonawanda shall be managed by a board of six members, to be organized in the manner herein provided, which board shall be known and designated as the "board of education of the city of Tonawanda." Said board and its successors shall possess the powers conferred, and discharge all the duties imposed by this act or by any general law of this state relating to school districts in cities, or relating to the boards of education of such districts and not inconsistent with the provisions of this act.

§ 3. Organization.—On the Monday following the appointment of the members of the board of education to fill vacancies occurring in said board by expiration of term, the board of education shall convene at eight o'clock in the afternoon, at its usual place of meeting. The persons so appointed shall thereupon take the oath of office, and the board of education of the city of Tonawanda as constituted for the preceding year shall be dissolved, and the board of education composed of the persons so appointed and those whose term of office shall not have expired, shall then be organized by the election of a president from among their number, and of some suitable person not of their number but who shall be a resident of said city as the clerk of said board. A majority of the board of education shall constitute a quorum for the transaction of business, and it shall keep a record of its proceedings.

§ 4. Powers.—The board of education of the city of Tonawanda shall have the power, subject to the provisions of this act, to purchase, take, lease, hold or improve any real or personal estate in trust for said school district of said city in the support and maintenance of schools, or for any of the purposes of education in said city. It may also take by purchase, gift, grant, bequest or devise and hold any real or personal estate in trust for any of the purposes of education or art or for the support or maintenance of public libraries in said city upon such terms as may be prescribed by the doner* or doners* and accepted by said board; and it may

* So in original.

execute any trust for any of the purposes aforesaid and provide for the proper execution thereof. The title of all schoolhouses, sites, lots, furniture, books, apparatus and other school property belonging to or in possession of the school district of the city of Tonawanda shall so continue for the purposes of education, in said city, subject to any existing liability.

§ 5. Duties.—Subject to the provisions of this act, said board shall have power, and it shall be their duty,

1. To establish and organize in said city such and so many free schools, including night and vacation schools, as said board shall deem necessary and proper, and to change or discontinue the same in their discretion.

2. To purchase, as herein prescribed, hire, sell, or dispose of schoolhouses, lots, sites and school furniture as they may deem advisable.

3. To alter, improve and repair schoolhouses and appurtenances, as they may deem advisable.

4. To purchase, exchange, improve and repair school apparatus, books, supplies and appendages, and to defray the necessary expense attending the same.

5. To have the custody and safe-keeping of the school buildings, lots, out-houses, books, furniture and appendages, and to see that the ordinance and by-laws of said city in relation thereto are enforced, and any violation thereof punished.

6. To contract with and employ janitors and employees.

7. To contract with and employ a superintendent of instruction for said city and all necessary teachers and to remove said superintendent, teachers and other appointees under such rules and regulations as may be established by law or by the department of public instruction of said state.

8. To expend all moneys raised by virtue of this act, for purchasing sites, erecting or enlarging schoolhouses, or for other purposes, in such manner as they may deem best, but only for the purposes for which the same was so raised except as hereinafter provided.

9. To license, upon the recommendation of the superintendent of instruction of said city, all teachers now employed in the schools of said city, in the same manner and with like effect in said city as school commissioners of counties.

10. To take and appropriate lands and other real property within said city for school purposes, upon making compensation therefor, in the same manner and under the same proceedings as prescribed in this act and as conferred upon the common council to take and appropriate lands for opening streets and highways.

11. To have, to the exclusion of all boards and officers except the university of the state of New York, the department of public instruction of this state, and as herein otherwise provided, the entire supervision and management of the schools in said city, and from time to time, to adopt, alter, modify or repeal as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one schoolroom or house to another, for their advancement from class to class as their degree of scholarship shall warrant and generally for the promotion of the good order and prosperity of said schools.

12. To allow the children of persons nonresidents within the city to attend any of the schools therein under the control of said board upon such terms as said board by resolution may prescribe.

13. To maintain a free public library, which shall be under the control of a board of library trustees, appointed as is, or shall be prescribed by law.

14. To exercise the same discretion as to the disposition of the moneys provided by law for the purchase of libraries as is conferred upon the inhabitants of school districts.

15. Except as otherwise provided by this act, to exercise all the powers conferred upon the inhabitants of school districts at school district meetings.

16. Except as otherwise provided in this act, to exercise all the powers conferred and discharge all the duties imposed by the general laws of this state applicable to boards of education in cities. The records of the proceedings of said boards, or a transcript thereof, certified by its president and clerk, shall be received in all courts or places as prima facie evidence of the facts therein stated.

§ 6. Certificate of expenses.—On or before the first day of February of each year the board of education shall prepare a certificate of such sums of moneys as it may deem necessary for the

school year commencing August first thereafter for each of the following purposes, namely:

1. For wages of superintendent and teachers after applying all the public school and other moneys applicable thereto.

2. For the repair, enlargement or improvement of school-houses, out-houses and grounds with their appendages and appurtenances.

3. For the purchase, repair or improvement of school apparatus, books, furniture and fixtures.

4. For the rent of schoolhouses and rooms for school purposes.

5. For the purchase, maintenance and care of the free public library, library buildings and grounds.

6. For the purchase of fuel and lights and to pay the contingent expenses of the district, including the salaries of the janitors and the incidental expenses, and including the interest on the bonded school debt.

§ 7. Common council to include amount stated in certificate in tax levy.—Such certificate signed by the president and clerk of said board shall, within the time hereinabove specified be delivered to the city clerk. The city clerk shall deliver such certificate to the common council at its next regular meeting. The common council shall not have authority to revise or review such certificate but shall cause to be included in the annual tax levy for that year, the amount so certified in such certificate, and such amount shall be collected by the city treasurer and credited to the various funds as designated in said certificate.

§ 8. School moneys to be kept separate.—All public moneys or other funds belonging or appropriated to the use of said district shall be paid to the city treasurer, who shall keep the same separate from the general funds of the city, and shall credit to each of said school funds the moneys or property belonging thereto. Upon request from said board the city treasurer shall certify from time to time the various balances remaining to the credit of any or all of the school and library funds, and the balances remaining unpaid to said various funds from the amount of the school certificate for that year.

§ 9. Purchase of site and buildings.—When the board of education shall determine by resolution that it is necessary to purchase any site or addition to any site, or erect any school building, or enlarge any school building already erected, it shall in such reso-

lution state the ward within which the site is to be purchased or building to be erected or enlarged, and the particular sum required for each separately. If said total sum exceeds three thousand dollars they shall then call a tax election in said city in the manner provided in this act for the calling of special tax elections by the common council. The board of education shall appoint three freeholders of the city, inspectors of such elections, who may fill vacancies occurring in their number. The inspectors shall thereupon proceed to hold such election, pursuant to such resolution, and in the same manner as in holding other tax elections under this act, and the qualifications of the electors thereat shall be determined by the general school law of the state applicable to cities. The board of education shall designate some convenient and central place at which to hold such special tax election and such tax election shall be held by the same inspectors during the same hours and in the same manner as other tax elections under this act. The vote shall be taken by ballot, which shall be endorsed "school tax," and shall be deposited in a ballot box provided therefor and marked "school tax." The board of education shall at every such tax election provide sufficient printed ballots for the use of the electors thereat, upon which shall be printed the various items or objects to be voted for thereat, with the words "for" and "against" at the beginning of each item. Each elector shall indicate his vote as to each of said items by placing a cross before the word "for" if he favors the proposition, and before the word "against," if he opposes the proposition. The inspectors shall canvass said votes without intermission or adjournment as at other elections, and make a statement thereof in respect to each item voted upon, and immediately file the same with the clerk of the board of education. Upon the day following such tax election the board of education shall convene at its usual place of meeting, at eight o'clock in the afternoon, and the said statement shall be produced, and the board shall forthwith declare and make a certificate in writing of the result. In case a majority of the votes cast be in favor of any said taxes, the board of education shall have authority to borrow upon the faith and credit of said city the aggregate of the items having such majority, or any part thereof, at any time before and until the same can be provided for according to law. The board of education shall authorize the issue of bonds or

other evidences of indebtedness, in such form and payable at such times as it may prescribe, for the sum or sums so authorized at a rate of interest not exceeding four per centum per annum. Said bonds or any part thereof may be sold by the board of education to the highest bidder after advertisement, but at not less than the par value thereof and accrued interest. The board of education, after completing the work or other objects for which the said moneys may have been raised, may apply any unexpended balance that may remain to any object authorized or contemplated by this article.

§ 10. **Report of expenditures.**—It shall be the duty of the board of education, on or before the first day of September in each year, to make and file with the common council a detailed report of the manner in which it shall have expended the money provided for and appropriated for school purposes from any source during the last school year of said board, and such report shall be published by the common council as a part of the proceedings of the meeting at which it is submitted. The board of education shall also make reports to the university of the state of New York and the department of public instruction of the state, in such manner and at such times as they may direct.

§ 11. **State apportionment payable to treasurer.**—The county treasurer of Erie county shall pay over to the city treasurer of the city of Tonawanda, and he shall receive for the use of the board of education of said city such proportion of the school, library and other money apportioned to the said city of Tonawanda by the superintendent of public instruction for teachers' wages and libraries, and other purposes as shall by law be apportioned to said board of education or district.

§ 12. **Ordinance for school property.**—The common council of the city of Tonawanda shall have the power and it shall be its duty to pass such ordinances and by-laws as the board of education of said city shall report as necessary for the protection, safe-keeping, care and preservation of the school buildings, and other property of said district and to impose such penalties for the violation of the same as it shall deem proper.

§ 13. **Sinking fund.**—The board of education may also include in the certificate specified in section six of this title, a sum, not exceeding one thousand dollars for the creation of a sinking fund, with which to pay the principal of the bonded

school debt, which sinking fund shall be managed by said board of education. No investment shall be made in behalf of said sinking fund, except in the bonds of the United States, or the state of New York, or of any city of this state.

TITLE XXIII.

Board of health.

Section 1. How constituted; powers and duties.

2. Officers and employees.

Section 1. How constituted; powers and duties.—The board of health shall be constituted in such manner, possess such power and authority, and perform such duties as shall be prescribed by law. It shall have power to make, provisions whereby all garbage, ashes and other refuse shall be gathered and removed, within the limits prescribed by it within the city. It shall designate a district in the populous portion of the city within which it will gather and remove all garbage, ashes or other refuse, and may, from time to time, increase or decrease the limits of said district, and it may require every occupant of any house, store, apartment or room, to place garbage, ashes and other refuse where the same can be readily gathered for removal, under such reasonable rules and regulations as the said department may adopt.

§ 2. Officers and employees.—The city clerk shall be clerk of the board of health and registrar of vital statistics and shall be entitled to the fees for such registration. The board of health shall at its first meeting in January of each year appoint a competent physician residing in said city as health officer who shall be and perform the duties of city physician and he shall receive a salary to be fixed by the board of health not exceeding the sum of five hundred dollars per annum. The board of health may appoint an inspector and fix his compensation, not exceeding however, the sum of two hundred dollars per annum.

TITLE XXIV.

Pavement of streets.

Section 1. Common council may cause streets to be paved.

2. Petition for pavement.

3. Common council to act thereon.

Section 4. Board of public works and bonds.

5. Letting of contracts.
6. Bond of contractor.
7. Sewer and water connections.
8. Gas and water connections.
9. Assessment roll.
10. Sewers.
11. Lien of assessment.
12. When assessments become due.
13. Sale of lands for unpaid assessment.
14. Application of proceeds of sale.
15. Purchase of land for the city.
16. Application of certain provisions of act.

Section 1. Common council may cause streets to be paved.—The common council of the city of Tonawanda shall have the power to cause any street, road, alley or public place, to be graded, regraded, graveled, regraveled, macadamized, remacadamized, paved or repaved, with wood, brick, stone, cement or other materials in such manner as they may determine.

§ 2. **Petition for pavement.**—Whenever there shall be presented to the common council, at a meeting thereof, a petition signed by a majority of bona fide resident owners of the lands fronting on any street, alley or public place, the lineal feet front of whose lands shall constitute at least two-fifths of all the feet front of all the lands owned by residents of said city, fronting on the street, alley or public place, in and along which the improvement asked for in such petition is to be made; or, if such improvement is intended to be made in and along only a part of said street, alley or public place, then by a majority of such owners of the land, the lineal front of whose lands shall constitute at least two-fifths of all the lands owned by residents of the said city, fronting on the part of the street, alley or public place as to which said improvement is to be made, and praying the common council to cause to be made any of the improvements specified in the foregoing section of this act, the common council shall, within a reasonable time thereafter, declare their intentions to cause such improvements to be made, and shall direct the clerk to, and he shall, within three days thereafter post in ten public places in said city notices of such intention and shall also publish the same in the official newspaper in at least two issues thereof.

§ 3. Common council to act thereon.—The common council shall at their first meeting, which is not less than two weeks subsequent to the posting of the notices specified in the preceding section, direct to be made the improvement asked for in said petition, provided said petition is signed by a majority of such resident owners, and they own at least two-fifths of the lineal feet front, as herein provided.

§ 4. Board of public works and bond.—The board of public works shall cause all necessary surveys to be made, all necessary grades to be established, and they shall adopt all necessary plans and specifications for such improvement, and decide upon the kind and quality of materials to be used in making such improvement, and shall determine the probable expense of making such improvement, including all necessary grading, curbing, and guttering, together with all necessary expenses for surveys, establishing of grades, making plans and specifications as aforesaid, estimates, assessments publications and all expenses, incidental to the making of any such improvement, and which shall be considered a part of the expenses thereof. To provide funds for the payment of the expense of such improvement, or any part thereof, the common council may authorize, empower and direct the mayor, city treasurer and city clerk to issue and sell bonds or certificates of indebtedness of the city in the manner prescribed in and in compliance with the conditions of section three of title fourteen of this act, except that all such bonds or certificates shall be payable at least eleven years from the date thereof. These bonds or certificates, in the discretion of the common council, may be used directly at not less than par and accrued interest to pay for such improvements, or they may be sold in the manner hereinbefore provided, and the proceeds shall be used to make payment for such improvement and for no other purpose whatever. The common council shall, in case of any deficiency occurring from delay in collecting the assessment hereinafter provided for, have power to temporarily borrow money on the credit of the city to supply such deficiency in funds needed to pay said bonds or certificates. The expense of repairing and cleaning paved streets, alleys and public places shall be paid from moneys raised for street purposes. Such bonds or certificates of indebtedness, when issued, shall be binding on the said city, and shall contain a recital that they are issued under the provisions of this

act, and such recital shall be conclusive evidence in any court of the validity thereof, and of the regularity of their issue. If the proceeds derived from the sale of the bonds or certificates of indebtedness, as herein provided, exceed the amount of the actual expense of such improvement, the surplus shall be set aside and be used to retire or pay up the bonds or certificates of indebtedness when they become due.

§ 5. Letting of contracts.—After the adoption of the plans and specifications, as aforesaid, and the decision upon the kind and quality of the materials to be used in making such improvement, the board of public works shall, within such time as they deem advisable let the contract for such improvement. Title fifteen of this act shall apply to the letting of such contract and the board shall be governed thereby.

§ 6. Bond of contractor.—Whenever any contract shall be let for such improvement, the contractor shall execute and deliver to the city of Tonawanda, in the name of the city, a bond in a penalty to be fixed by the common council, not less than one-half the amount of the contract, duly executed and acknowledged with sufficient sureties satisfactory to the common council, and said sureties shall justify collectively in the amount of the contract. No contract shall be binding on said city until a bond so executed and acknowledged and approved by the common council, shall be deposited with the clerk, to be safely kept in his office for the benefit of the parties secured thereby. Such bond shall be conditioned for the faithful performance by such contractor of his contract in accordance with the terms thereof, and to indemnify and save harmless the said city of and from all negligence or default on his part, and to pay or cause to be paid the wages and compensation of all laborers who shall be employed in work on or about such improvement, whether employed by him or any sub-contractor or employee, and to pay for all materials furnished in or about such improvement, whether to him or any sub-contractor. Actions or proceedings on such bond by the laborers and material men claiming to be secured thereby, shall be brought in their name or names, and separate actions may be brought by each or any number united by such laborer and material men, or one action by all; but the city shall not in any manner be liable or responsible by reason of any such bond, or for any costs or expenses of any such action

or proceedings thereon by any laborers or material men. No action shall be commenced on said bond after one year from the time when the cause of action accrued. The city shall not be held in any action brought or had under any contract made with the contractor as aforesaid, for any other or greater liability than that expressed therein, nor required to pay out or otherwise dispose of any sums of money for the doing of such work or the furnishing of such material greater than is stipulated in such contract, nor otherwise than in strict conformity with the stipulations thereof.

§ 7. Sewer and water connections.—The board of public works shall also, at any time before any such pavement is laid in front of any lot or parcel of land, cause service water pipes to be laid in front of such lot or parcel of land fronting on such street, alley, public place or portion thereof, in such manner and at such distances apart as it may deem necessary; it shall by resolution require the owners or occupants of such lots or parcels of land fronting on any street, alley or public place, or portion thereof, which the common council have directed to be paved, to cause to be made connections with the sewer in front of said lot or parcel of land, fronting on such street, alley, public place or portion thereof, within such time, in such manner, with such kind and quality of materials, and such distances apart, as said board of public works may deem necessary. The board of public works shall thereupon cause a copy of such resolutions to be published once a week for two weeks in the official newspaper of the city, and shall cause a copy thereof to be served personally upon the reputed owner or owners, occupant or occupants of each of said lots or parcels of land, and in case any such owner or owners, occupant or occupants shall neglect or refuse to cause such connections to be made in the manner, at such distances apart, and within the time and of such materials specified in said resolution, then the said board of public works may cause said connections to be made, and the costs and expense of making said connections in front of said lot or parcel of land shall be by them assessed upon such lot or parcel of land in the manner as hereafter provided.

§ 8. Gas connections.—Before any pavement is laid in any street, alley, or public place in said city, the board of public works shall also give notice in writing to any and all gas companies having mains already laid in any street, alley or public place, or in any

part thereof, which the common council have directed to be paved, to lay their respective service pipes in such street, alley or public place, in such manner and at such distances apart as the board of public works may require; and in case any such company or companies shall neglect or refuse to comply with such notice within such reasonable time as may be required by the board of public works, the board of public works may cause such service pipes to be laid, and the expense thereof shall be by them audited, and when audited, shall become and be a lien upon all property and franchises of said company or companies situate within the said city, from the time the improvement shall have been ordered, which lien may be enforced by an action at law, against said company or companies for the recovery of the amount of such expense, with the costs of action, and by the sale of the property upon any execution which may be issued upon a judgment recovered therefor.

§ 9. **Assessment roll.**—The board of public works shall, within such time after the making of the contract for such improvement as herein provided, as may reasonably be done, assess the actual expense of such improvement (except where a street railway or alley intersects or crosses the street or alley paved, in pursuance of the provisions of this act, the actual expense of paving any such intersection or crossing shall be paid by the city at large, and the money for paying the same shall be raised in the like manner as the ordinary expenditures of said city; except, also, that where any street surface railroad company is required by law, or by the terms of its franchise, to make and complete any portion of such improvement, the owners of the lots or parcels of land in front of which the tracks of said railroad shall be laid, shall be entitled to the benefit thereof, and the actual expense of paving the remaining portion of the street, alley or public place, only, in front of their lots or parcels of land respectively shall be assessed against said lots or parcels of land in the name of the reputed owner, occupant or occupants thereof), including all the necessary items of expense in this title mentioned, on the several lots or parcels of land fronting on that part of the street, alley or public place along which such improvement is extended, in the name of the reputed owner or occupant, as shall be in the same proportion to the entire amount locally assessed as the number of feet for which the same shall

bound or front upon the street, alley or public place improved shall be to the aggregate number of feet frontage or bounds subjected to such local assessment.

§ 10. Sewer and water assessments.—When sewers and service water pipes shall have been made or completed by the city, in accordance with the provisions of this title, the actual expense of such additional improvement shall be assessed by the board of public works upon the lots or parcels of land, respectively, in front of which such improvements shall have been made, in the name of the reputed owner or owners, occupant or occupants thereof, and shall be added to and included in the assessment against such lot or parcel of land for the paving of such street, alley or public place.

§ 11. Lien of assessment.—The assessment authorized by this title shall without unnecessary delay, be subjected to review in all respects as city assessments are subject to review. If the proper notices are given as required by law, and no objections are made, the assessment roll shall become and be final and conclusive by the acquiescence of the parties concerned. All objections which may be made pursuant to said notices, the said board of public works shall consider and determine upon, and may affirm or reverse said roll, or amend the same, or correct any error therein, or annul the same, and proceed anew, and when said board of public works shall have confirmed said assessment roll it shall be final and conclusive upon all parties concerned. When such assessment roll shall have been confirmed or final as aforesaid, it shall be delivered to the city treasurer, and the sums therein assessed upon the several parcels of land therein specified, together with the interest thereon, as it accrues, shall become and be a lien and charge upon the said lot or parcels of land respectively, from the time such improvement shall have been ordered, superior to all other liens, rights, titles, or estate therein. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized in this act, or the laws in force when such tax was levied, or in case of error in the description of lands, or in the description of the owner or occupant, the board of public works may, in its discretion, or, upon the application of any person interested, proceed to correct such irregularity, omission, or error, or cancel, remit or commute such tax or cause the amount

so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the board of public works are hereby authorized and empowered to make such reassessments, upon giving three weeks' personal written notice thereof, to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city treasurer to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made.

§ 12. When assessment becomes due.—Such local assessment shall become due and be paid by the owner of or persons interested in the lots or parcels of land upon which the same shall be assessed respectively in not more than ten equal annual payments of principal, with one year's interest each year, at the same rate per centum per annum as called for by the bond or certificate of indebtedness as hereinbefore provided upon the whole amount unpaid. The first installment of principal and six months' interest shall be due and payable in six months after the date of the first bond issue for such improvement, and the remaining installments of principal with one year's interest shall be due and payable annually thereafter. Any tax or assessment authorized by this act shall bear interest after the same becomes due at and after the rate of ten per centum per annum, and the same shall become payable and a lien upon the land from which the assessment so in default shall be payable, from and after the date when such improvements shall have been ordered. Any person or corporation paying any tax or assessment, authorized by this act, within fifteen days from the time the same becomes due, shall not be charged any fee for the collection thereof. After the expiration of the said fifteen days, and within thirty days from the time said assessment becomes due one per centum thereof shall be added thereto and charged by the treasurer; after thirty days from the time any such assessment becomes due, two per centum shall be added thereto and charged by the treasurer for the collection of such assessment. Such additional interest and collection fees so collected shall be credited to the paving fund of said street, alley or public place. Any person or corporation being the owner of, or interested in any lot or parcel of land so assessed at any time after the confirmation of such

assessment roll, must pay his or its assessment in full, together with all accrued interest to the treasurer of the city.

§ 13. **Sale of lands for unpaid assessment.**—When default shall be made in the payment of any, or any part of the assessments made as herein provided, or heretofore made in said city, after the same shall have become due, the city treasurer shall cause to be advertised the lot or parcel of land, from which the same is payable, for sale, and sell the same at public auction without credit, to the highest bidder. He shall thereupon, on receiving the amount of the total tax or assessment, interest, fees and expenses of sale, make and deliver to such bidder a certificate describing the lands sold, and the amount bid and the sum paid thereon, and that at the expiration of one year from the day of sale the bidder, or his assigns, shall be entitled to a conveyance of the land sold or to have his money returned with ten per centum interest thereon, upon the payment of the remainder of the bid, if the bid be more than the sum paid as aforesaid. During said year any person interested in such lands so sold may redeem the same from the sale by paying to the city the full amount of the assessment against said lands and interest as aforesaid, and all costs, fees and expenses of the sale, the interest to be computed to one year from the day of sale. If the lands are not redeemed within a year, the city treasurer shall cause to be made a conveyance of such parcel of land in fee simple, to the purchaser at such sale, in the name of the city, the same to be executed in the same manner as any other city conveyances are directed by law to be made; and thereupon the city shall be bound to the grantee and his successors in title as grantor of said lands with implied covenants of warranty and seizing. Such deed shall briefly recite the proceedings in ordering the improvement, and the making of such assessment, and shall be conclusive evidence that the proceedings were regular and valid. The city treasurer shall cause to be given public notice of the same by publication of the notice, containing a description of the lands to be sold, a reference to the making of the local assessment and the default in the payment thereof, and specifying the time and place of sale, in the official newspaper, at least once in each of the six weeks immediately preceding the day of sale, and by posting such notice of sale in at least three public

places in said city, one of which shall be upon the lot or parcel of land to be sold, at least forty-two days before the day of sale.

§ 14. Application of proceeds of sales.—The proceeds of such sale shall be applied as follows:

1. There shall be retained therefrom for the use of the city the same fees and disbursements for making the sale, to which the sheriff is entitled for selling land on an execution.

2. The remainder of the proceeds, so far as necessary, shall be applied to payments of the amount of local assessment charged against the lands sold, and all other city taxes, assessments or charges on the same.

3. The surplus shall be paid to the treasurer of the county of Erie to be subject to the order of any court of record having jurisdiction of actions for the foreclosure of mortgages on lands situate in the city of Tonawanda, and such court may direct the distribution of the surplus by the same proceedings and under the same rules and practice, as if said sums were surplus upon the sale of lands upon foreclosure of mortgage by action in such court, and as if all parties interested were parties to such action and had been served with the summons in the action.

§ 15. Purchase of lands for the city.—It is hereby made the duty of the city treasurer to attend such sale of real estate in person, or designate some suitable person to attend the same, and it shall be the duty of such treasurer or person, if the highest sum which shall be bid by others for any parcel of land, be not sufficient to pay the assessment and interest and the expense of sale, and he shall regard it best for the city to do so, to purchase and take title to the lands in the name of the city, and thereupon said amounts shall be paid from the city funds, and the city is hereby given capacity to acquire title to lands at such sales and to possess the same and sell and convey the same as soon as the same may conveniently be done to the advantage of the city.

§ 16. Application of certain provisions of act.—The provisions of this title shall apply to all former assessments heretofore made or levied by the village of Tonawanda under any former act relating to the paving of streets, and to all collections and sales thereunder, and except as otherwise expressly provided by this title, the provisions of title eighteen of this act shall apply to all such assessments thereunder made after this act takes effect.

TITLE XXV.

Opening or discontinuing streets.

- Section
1. Publication of notice.
 2. Action when no lands are donated.
 3. Notice of intention to appropriate.
 4. Appointment of commissioners.
 5. Objections to report.
 6. Confirmation of report.
 7. The assessment lists.
 8. Treasurer to publish notice of assessment.
 9. Application of moneys.
 10. Deficiency assessment.
 11. Distribution of excess.
 12. When lands may be appropriated.
 13. Lands of infants.

Section 1. Publication of notice.—Whenever the common council shall, by vote, at a regular meeting, two-thirds of all the members of said council voting therefor, decide to lay out, open, make, alter, widen, contract or discontinue any square, street, alley, lane or highway, it shall cause a notice of such decision to be published once a week for two successive weeks in the official newspaper, stating the day upon which it will act thereon, which day shall be at least two weeks subsequent to the first publication of notice.

§ 2. Action when no lands are donated.—In case it shall not be necessary to appropriate, for any purpose contemplated in the preceding section, any real estate which shall not belong to the city, or which shall not be given to the city for the purpose, the common council, upon the day fixed in the notice, may proceed to lay out, alter, widen, contract or discontinue such square, street, alley, lane or highway mentioned in the notice.

§ 3. Notice of intention to appropriate.—In case it shall be necessary to appropriate, for any street, alley, square, lane, highway, walk, bridge, drain or sewer, any real estate, property, right or easement which the city may not be permitted by the owner freely to appropriate, and cannot purchase by contract with the owner thereof, in addition to the notice provided in the last preceding section but one, the common council shall cause a notice to

be served upon each of the owners of such real estate, if they can be ascertained, that the common council will act upon the question of making an appropriation thereof for the purpose proposed at the time mentioned therein which shall be at least two weeks after such service. The notice shall be served personally upon persons residing in the city, or by leaving the same at their places of abode with some person of suitable age and discretion. Upon nonresidents it may be served personally or by mailing it addressed to them at their reputed places of abode. In case the owners are unknown, or their places of abode cannot be ascertained, the publication of the notice once in each week, for two successive weeks in the official newspaper, shall be equivalent to personal service.

§ 4. **Appointment of commissioners.**—Upon proof by affidavit of the service of the notice required by the last preceding section being filed with the clerk, the common council may apply to the county court of Erie county in term or at chambers, or to the supreme court, at a special term thereof, held for the eighth judicial district, for the appointment of commissioners. Previous to such application the common council shall cause a notice of the time and place, when and where such application will be made to be published in the official newspaper once in each week for at least two successive weeks, and at the time such application shall be made, proof by affidavit shall be furnished to the said court of the due publication of such notice, any party interested shall be entitled to be heard upon such application. At the time mentioned in such notice, upon the application of the common council, the said court shall appoint five disinterested freeholders of the city, commissioners, whose duty it shall be to ascertain and report a description of the real estate required to be appropriated with the names of the owners and the compensation which should be made to them respectively therefor; what the whole expense will amount to; whether any, and if any, what part thereof ought to be borne by the city, and whether any, and if any, what real estate would be benefited by the improvement requiring the appropriation of such real estate, specifying the same in parcels, described with certainty, with the names of the owners, if they can be ascertained, and the proportion and amount of benefit which each parcel would receive. The commissioners aforesaid shall, before entering upon their duties,

make and file with the city clerk an oath or affirmation faithfully and impartially to discharge their duties according to the best of their ability. They shall cause a notice of the time and place of their first meeting to be published in the official newspaper at least six days before such meeting, and they shall continue their meeting by adjournment from time to time until they shall complete their report. They shall view the premises and receive any evidence that may be offered touching the question before them, and may administer oaths to witnesses who may be examined before them, and shall with all convenient dispatch make their report, and shall file the same with the city clerk.

§ 5. **Objections to report.**—On the coming in of the report, as provided in the last preceding section, the common council shall cause to be published in the official newspaper a notice that the same is filed with the clerk, and that at time specified therein, and which shall be at least six days after the publication of said notice, it shall act upon the same. Prior to such a day any persons objecting to the matters contained in the report, or the proposed improvement, may file with the clerk his objections in writing, which objections shall be read before the common council before any action shall be had on said report. The common council may confirm or reject said report; and if the same shall be rejected they may, in the manner provided in the last preceding section, apply to either of said courts for the appointment of five other disinterested freeholders as commissioners as aforesaid, who shall proceed anew in the premises. Upon the coming in of their report the same shall be filed with the clerk in the same manner as the report of the first commissioners, and a like notice shall be given of the day when the common council will act thereon. The second report shall be final without further confirmation. The commissioners shall be paid for their services such compensation as the common council shall deem proper.

§ 6. **Confirmation of report; assessments.**—Upon confirming the first report of the commissioners as above provided, or upon the day fixed for acting upon the second report, the common council may, by a vote of a majority of all its members, authorize and direct the appropriation of the real estate and the making of the improvement. In such case it shall cause an assessment to be made by transcribing so much of the report acted upon as

contained the description of each parcel of real estate to be benefited by the improvement, with the name of the owner, if known, and the amount of the proportion of benefit which it would receive, directing such amount to be assessed upon such parcels of real estate respectively. The assessment shall be made to resemble in form, as nearly as practicable, the tax list, and be provided with a column in which payments can be entered by the treasurer. Two copies thereof shall be made and signed by the mayor and clerk, one of which shall be filed with the clerk and the other delivered to the treasurer.

§ 7. **The assessment lists.**—The assessment lists so filed with the clerk and delivered to the treasurer shall, in all courts and places, be evidence of the assessment therein specified, and all sums of money assessed therein, upon or in respect to any real estate, shall be liens thereon for two years from the time the assessment lists are filed with the clerk.

§ 8. **Treasurer to publish notice of assessment.**—Upon receiving an assessment list, pursuant to any of the provisions of this title, the treasurer shall cause to be published in the official newspaper a notice similar to the one required upon receiving the tax list, and the treasurer shall attend at his office for the purpose of receiving the moneys due upon said assessment lists, as provided in this act for the collection of city taxes, and at the expiration of the month mentioned in said section the treasurer shall make a return to the common council of all sums remaining unpaid upon said list, and thereafter whenever directed by the common council, shall proceed to advertise and sell the premises upon which, or in respect to which, there shall remain an unpaid assessment. All the provisions relating to sales of land for unpaid taxes in this act shall be applicable to sales for unpaid assessments mentioned in this section.

§ 9. **Application of moneys.**—All moneys received by the treasurer upon any assessment list made pursuant to the provisions of this title shall be kept by him distinct from all other moneys, and shall be drawn from him only by orders expressly directing their application to the payment of the assessment for which the assessment was made, and from no other fund.

§ 10. **Deficiency assessments.**—In case the common council shall at any time ascertain that the expense of any public improvement cannot be defrayed by the moneys raised upon the

assessment list provided therefor, it may cause the deficiency to be assessed upon the real estate described therein in sums proportioned to the former assessment. All the provisions of this title relative to the assessment list heretofore mentioned, to the assessment therein, and to the collection and payment of moneys thereon, shall be applicable to the second assessment list in this section provided.

§ 11. **Distribution of excess.**—In case the amount raised for any public improvement by assessment shall exceed the cost of the same, such excess shall be refunded in proportion to the amount paid by each person or parcel of real estate.

§ 12. **When lands may be appropriated.**—No real estate shall be taken or appropriated for the opening, widening or altering of any street, lane, highway, alley, drain or sewer in the city without the permission of the owner, until the compensation reported by the commissioners to be proper therefor shall be paid or tendered to the owner or deposited to his or her use in one of the banks of the city, to be designated by the common council for that purpose. Upon such payment, tender or deposit being made, the same may be appropriated for such purpose.

§ 13. **Lands of infants.**—When such owners of real estate shall be known to be infants under the age of twenty-one years, the county judge of Erie county, or a judge of the supreme court, may, on the application of the infant, or some one in behalf of said infant, or the common council, appoint a guardian for such infant, taking from him adequate security for the faithful performance of his duties as such, and all notices required to be served upon the infant shall be served upon such guardian, who shall see to the protection of the rights of such infant.

TITLE XXVI.

Miscellaneous provisions.

- Section
1. Obligations of town of Tonawanda.
 2. Ordinances to be published.
 3. Extra compensation.
 4. Evidence as to publication of ordinances.
 5. Common council to provide offices.
 6. Inhabitants not to be disqualified as jurors.

- Section 7. Town a city for certain purposes.
8. Civil and fiscal year.
 9. City officers authorized to administer oaths
 10. Supervisor.
 11. Removal of ice and snow from sidewalks.
 12. Limitations of act.
 13. Laws repealed.
 14. Charter takes effect.

Section 1. Obligations of town of Tonawanda.—The city of Tonawanda, except as otherwise provided in this act, is hereby created and declared to be one of the towns of Erie county, and all provisions of law not inconsistent with this act applicable to towns in said county shall apply to said city, and all acts required by law to be performed by the board of town auditors in towns of said county shall be performed by the common council. The board of supervisors of Erie county shall, apportion and determine the proportional amounts of state and county charges to be equitably paid by the city of Tonawanda, and also the proportionate amount or share thereof to be paid by the town of Tonawanda as by this act altered; and shall fix and determine the proportional share or amount of the indebtedness of the town of Tonawanda incurred and existing at the time this act takes effect to be paid by the city of Tonawanda, and the proportional amount thereof to be paid by the town of Tonawanda as by this act altered; and shall determine what portion of the personal property owned by the town of Tonawanda, including any sum hereafter recovered upon any cause of action, existing at the time this act shall take effect, shall thereafter belong to the city of Tonawanda, and what portion thereof shall belong to the town of Tonawanda as by this act altered. Said board of supervisors, in determining the proportion which shall be paid by said city and town, respectively, and in dividing the property of the existing town of Tonawanda, shall be governed by the proportion of the assessed valuation of the property of said city and town, and the amount of money to be paid by said city of Tonawanda shall bear such proportion to the whole amount as the assessed valuation of the property in said city upon the assessment roll thereof for that year, as equalized by said board of supervisors, bear to the aggregate amount of the assessment roll of the town of Tonawanda for that year equalized

by said board of supervisors to the assessment roll of said city so equalized after this act takes effect. Said board of supervisors shall levy upon said city the proportional share or amount of tax as authorized by the laws of this state for the respective towns.

§ 2. **Ordinances to be published.**—All ordinances and amendments thereto; also all rules and regulations adopted by the common council, boards or commissions, shall be published daily, except Sunday, for one week in the official newspaper of the city, and they shall not take effect until after the completion of such publication. The printer or publisher of such newspaper shall make an affidavit of the publication thereof, and shall file the same with the city clerk, who shall make a record or entry of such publication, and such record or entry shall be conclusive proof in all courts and places of such publication. The common council may by a vote of a majority of the members elected, taken by ayes and nays, repeal any ordinance which may be passed under this act.

§ 3. **Extra compensation.**—The common council shall not in any case give or appropriate, by resolution or otherwise, any sum or amount to any member thereof, or to any officer of the city whose salary is fixed by the charter, or ordinances, or resolution of the common council, for services rendered in the discharge of official duties. All claims for extra services shall be made, presented and audited as other claims against the city. No member of the common council or member of any board created under this act shall be interested, directly or indirectly, in any work done or supplies furnished, or contract made in pursuance of any action of the common council or board.

§ 4. **Evidence as to publication of ordinance.**—The affidavit of the editor or publisher of a newspaper, or of his foreman or principal clerk, showing publication in such newspaper of any notice, by-law, resolution or other matter required by this act to be published in a newspaper, may be read in evidence, and shall be presumptive evidence of the publication of the matter stated therein; and when such affidavit shall have been filed with the city clerk, copies thereof, certified by him, may be read in evidence with like effect as the original.

§ 5. **Common council to provide offices.**—The common council shall provide and assign suitable and convenient offices, together with requisite books, stationery, light and fuel and other necessary articles for the use of the following officers and boards,

namely: mayor; common council, and committee rooms for same; city treasurer; city clerk; city judge, and court room for same; board of public works, and may in its discretion provide accommodation for any other board or officer of the city; but unless otherwise provided by the common council, the board of public works shall meet in the common council chambers of the city, except when the common council be in session; and the common council may also provide for the taking and preserving of evidence in trials and proceedings before the mayor or any commission or board of the city.

§ 6. *Inhabitants not to be disqualified as jurors.*—No person shall be disqualified from acting as judge, juror, witness or justice by reason of being an inhabitant of, or freeholder in the city of Tonawanda in any action or proceeding in which the city or any of its officers or boards is a party interested. No person entitled to vote at an election held under this act shall be arrested on civil process within said city on the day of which such election shall be held, until after the close of the polls.

§ 7. *City a town for certain purposes.*—The city of Tonawanda shall be considered a town for the purpose of the return and summoning of jurors; and the supervisor provided for in section ten of this title, together with the city assessors, shall execute the duties of a supervisor, town clerk and assessors of a town relating thereto, and duplicates of the return of jurors made by them shall be filed in the office of the city clerk. All actions or proceedings brought to recover a fine, penalty or forfeiture, for the violation of any ordinance, by-law, regulation or resolution of the common council shall be brought in the corporate name of the city.

§ 8. *The civil and fiscal year.*—The civil and fiscal year, under the provisions of this act, shall commence on the first day of January, in each and every year.

§ 9. *City officers authorized to administer oaths.*—Each mayor, clerk, city judge, treasurer and commissioner of deeds of the city shall have the same power and authority to administer oaths and take and certify affidavits as a justice of the peace of the city.

§ 10. *Supervisor.*—At and after the time this act takes effect, the city of Tonawanda, together with the town of Tonawanda as altered by this act, shall be regarded as a single town of the

county of Erie, for the purpose of nominating candidates for the office of supervisor and for the purpose of electing a supervisor, and as so regarded shall be entitled to a single supervisor. Such supervisor shall be a member of the board of supervisors of Erie county and shall have the same powers and duties therein and with respect thereto as though elected in a single town in said county; and shall have and perform the same powers and duties for and with respect to the said city as if elected solely therein and not in conjunction with said town as altered by this act, and shall have and perform the same powers and duties for and with respect to said town as altered by this act as if elected solely therein and not in conjunction with said city, and shall receive the same compensation therefor. In said board of supervisors he shall have but a single vote, in the same manner and effect as any other member thereof, and for services therein shall receive the compensation of a single member. Such supervisors may reside in either said city or in said town. The supervisor of the town of Tonawanda, in office at the time this act takes effect, shall, until the expiration of the term of office to which he was elected, have and perform the powers and duties, and receive the compensation, of the supervisor provided for and prescribed by the foregoing provisions of this section. The common council of the city of Tonawanda and the town board of the town of Tonawanda, shall meet in joint session at the office of the city clerk on the Thursday succeeding the general election at which a supervisor for the city and town of Tonawanda shall be voted for and proceed to canvass the votes cast for supervisor in such city and town. The mayor of the city of Tonawanda shall preside at such joint meeting and upon the completion of the canvass of the votes cast for the office of supervisor, he shall publicly declare the result of such canvass. He shall cause a certificate containing the result of such canvass to be made in triplicate, each of which shall be signed by the mayor and the town clerk; one of the certificates shall be filed in the office of the city clerk; one in the office of the town clerk, and one with the clerk of the board of supervisors of Erie county.

§ 11. Removal of snow and ice from sidewalks.—Every owner or occupant of any lot or parcel of land adjoining any street or public place in the city of Tonawanda, along or across which there is a sidewalk, shall before nine o'clock in the morning of

each day remove or cause to be removed any snow or ice which may have fallen or accumulated on such sidewalk in front of or along any such lot, land or premises; and in case of neglect or refusal so to do, the city superintendent of public works may forthwith remove the same, and the expense thereof shall be a lien upon said premises. The superintendent of public works shall then give notice of the expense of such removal to the owner, requiring the payment thereof to the city treasurer within ten days after the service of such notice. Written notice thereof shall be served upon the owner personally, or inclosed in a postpaid wrapper and deposited in the postoffice addressed to such owner, at his last known postoffice address. If such expense be not paid to the city treasurer within the time prescribed therefor, the city superintendent of public works shall, on or before the first day of April in each year, unless such expense has been paid, file his affidavit of such expense with the city clerk who shall deliver the same to the assessor on or before the first day of June in each year, and the same, together with interest thereon at the rate of twelve per centum per annum from the date of filing such affidavit added thereto, shall thereupon be assessed by the assessors upon the premises in front of or along which such sidewalk is situated, at the same time the annual tax assessment is made by the assessors, and included in said annual tax assessment roll and collected in the same manner as the city taxes are collected, with interest thereon at the rate of twelve per centum per annum from the date of such assessment.

§ 12. Limitation of act.—This act shall not supersede or repeal any provision of chapter five hundred and fifty of the laws of eighteen hundred and ninety-three, or of chapter eight hundred and sixteen of the laws of eighteen hundred and ninety-five, or of chapter three hundred and seven of the laws of nineteen hundred, or any of the acts amendatory of any such laws, but the town board of the town of Tonawanda and the supervisors of the town and city of Tonawanda shall respectively continue to exercise the power and authority conferred by such statutes. All valid obligations created or issued under any of said acts shall continue obligations of said city and town; and if new bonds are issued by the supervisor, they shall become the obligations of the town and

city of Tonawanda to the same extent as if this act had not been passed.

§ 13. **Laws repealed.**—Chapter twenty-two of the laws of nineteen hundred and three, entitled “An act to incorporate the city of Tonawanda” and all acts amendatory thereof and supplemental thereto are hereby repealed, and all statutes of this state and ordinances of the city of Tonawanda, so far as they are inconsistent with the provisions of this act, are hereby repealed, but such repeal shall not affect any right already existing or accrued, or any liability incurred by reason of the violation of any law heretofore existing, or any suit or proceeding already instituted, or action had under the laws or ordinances, unless otherwise expressly provided in this act.

§ 14. **Charter takes effect.**—This act shall take effect immediately.

Chap. 358.

AN ACT for the regulation of fares of electric railroads in and between the cities of Rensselaer and Albany, New York, and to provide for the issue of transfer tickets thereon.

Became a law, May 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No company, corporation or person, owning or operating an electric railroad in or between the cities of Albany and Rensselaer in the counties of Albany and Rensselaer, New York, or in either of such cities, or any part of such railroad or railroads, or any connecting or intersecting or continuing branch thereof, nor any lessee, assignee, or transferee of such railroad or railroads, or any part or parts thereof, from the owner or owners operating the same as such owner or owners, lessee, assignee or transferee, shall charge any passenger more than five cents for one continuous ride from any point on such road or roads, or on any road, or line, or branch, or part thereof, within the limits of said cities so owned, leased, controlled and operated, to any other point thereon, or on any connecting, intersecting or continuing branch thereof within the limits of said cities in the

Electric
railroads
operating
in cities
of Albany
and Rensse-
laer to
charge one
fare
between
points
within said
cities.

Transfers to be issued upon request of passengers.

counties of Rensselaer and Albany, and not more than one fare shall be charged for passage over such road or roads, and any branch or extension thereof, within the limits of the said cities in said counties of Rensselaer and Albany, and such person, company or corporation, being the owner or owners, or lessee or assignee and operating the same shall issue, upon request, to each passenger riding upon such road or roads, branch or extension thereof, or part operated, owned, assigned, leased or held and operated by said person, company, or corporation, a transfer ticket entitling the holder thereof to ride to any other point upon the said road or roads, or branch, extension or part thereof, owned, leased, assigned, held or operated by such person, company or corporation, without additional fare therefor.

Penalty for violation of this act.

§ 2. Any violation of the provisions of this act shall be deemed a misdemeanor, and any company, corporation or person, so violating, shall, upon trial and conviction therefor, be punished by a fine of not less than two hundred and fifty dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the court. And for every refusal to comply with the requirements of this section, the company, corporation or person so refusing shall forfeit fifty dollars to the aggrieved party.

§ 3. All acts or parts of acts inconsistent with this act, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 359.

AN ACT to amend the navigation law, relative to fees for inspections and licenses.

Became a law, May 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and ninety-two of the laws of eighteen hundred and ninety-seven entitled, "An act in relation to navigation, constituting chapter thirty of the general laws," is hereby amended by inserting in article one thereof a new section to be known as section thirty-four and to read as follows:

§ 34. Fees for inspections and licenses.—The owner of a vessel inspected and certified as provided in this article, shall pay to the inspectors for each vessel under ten tons burden, five dollars; for each vessel over ten and under twenty tons burden, seven dollars and fifty cents; for each vessel over twenty and under fifty tons burden, ten dollars; for each vessel over fifty and under one hundred tons burden, twelve dollars and fifty cents; on all vessels over one hundred tons burden, twenty-five dollars. Each person licensed shall pay five dollars for each original license and three dollars for each renewal thereof. All moneys received by the inspectors for examinations, licenses or renewals of licenses shall be by them turned over to the superintendent of public works within thirty days of the receipt thereof.

§ 2. This act shall take effect immediately.

Chap. 360.

AN ACT to amend section sixty-two of the public lands law, relating to releases of escheated lands by the commissioners of the land office.

Became a law, May 1, 1905, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-two of chapter three hundred and seventeen of the laws of eighteen hundred and ninety-four, known as the public lands law, constituting chapter eleven of the general laws, is hereby amended to read as follows:

§ 62. Conveyance to petitioner.—The commissioners may in their discretion, if they deem it just to all persons interested, execute, in the name of the state, a conveyance on such terms and conditions as the commissioners deem just, releasing to such petitioners the interest of the state so acquired in such real property so sought to be released. A conveyance so made to any such petitioner who is a parent, child, surviving husband or widow of any such owner of any interest therein immediately prior to the escheat, or the heirs-at-law of any such surviving husband or widow, shall be without consideration, if the value, at the date of the petition, as

determined by the commissioners, of all the property of any such owner escheated to the state and not conveyed or released by the state, shall not exceed one hundred thousand dollars, and of the property sought to be released shall not exceed ten thousand dollars. The conveyance shall contain a brief recital of the determinations required to be made by the commissioners on the hearing of the petition, and of all the terms and conditions on which the conveyance is made.

§ 2. This act shall take effect immediately.

Chap. 361.

AN ACT to authorize trustees of the village of Sag Harbor, Suffolk county, to construct and maintain a wharf in such village.

Became a law, May 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Sag Harbor in the county of Suffolk, are hereby authorized and empowered to construct and maintain a wharf and dock adjacent to land in the town of Easthampton, lying in the port of Sag Harbor, and to extend into the bay or harbor, not to exceed five hundred feet from high-water mark, and not to exceed two hundred feet in width, in all respects in accordance with a proposition duly adopted at the annual village election held March twenty-first, nineteen hundred and five, and to charge and receive reasonable wharfage and dockage from persons or corporations using such dock. The legislature may at any time hereafter regulate the rates of wharfage and dockage in such manner as it may deem just and reasonable.

Village may
receive
wharfage
and
dockage.

§ 2. The trustees of the village of Sag Harbor, county of Suffolk, shall not dispose of said land, wharf or dock, by lease or otherwise, unless a proposition duly submitted at an annual or special village election shall be adopted by at least two-thirds of the votes cast upon such proposition.

Sale or
lease of
dock
prohibited.

§ 3. This act shall take effect immediately.

Chap. 362.

AN ACT to amend chapter two hundred and sixty-nine of the laws of nineteen hundred and two entitled "An act to incorporate the city of Plattsburgh."

Accepted by the city.

Became a law, May 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twenty-five of section forty-five of chapter two hundred and sixty-nine of the laws of nineteen hundred and two, entitled "An act to incorporate the city of Plattsburgh," is hereby amended to read as follows:

25. Whenever the common council shall resolve, by affirmative vote of two-thirds of its members, that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes if there be more than one, and publish such resolution and estimate once in each week for three successive weeks in the official newspaper, together with a notice that at a time and place therein specified a special election of the tax-payers of the city will be held to decide whether the amount of such expenditures shall be raised by a tax or the issuing of bonds therefor, as hereinafter provided, or the common council may direct such questions to be submitted at a general election. All provisions of law describing the duties of inspectors of election and their powers with reference to preserving order at elections, and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special election held thereunder. Every elector who shall have been assessed and taxed upon the last assessment roll of the city before said special election, or whose wife was so assessed, and no other person shall be entitled to vote at said special election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which said expenditure is required, and the amount thereof, and be in the form required by the election law for holding elections upon questions submitted. The

Extraordinary expenditures, estimates for: special election.

Inspectors of election, powers and duties of.

Qualifications of electors.

Conduct of election.

inspector shall, at the time and place designated aforesaid, sit without intermission from nine o'clock in the forenoon to four o'clock in the afternoon to receive the ballots cast at such special election, and shall deposit the same in a special box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are or your wife is a taxpayer and is assessed upon the last city assessment roll of the city of Plattsburgh and that you have not voted at this election." After he shall take such oath and if he or his wife shall be assessed upon the assessment roll aforesaid, his vote shall be received. The inspectors shall canvass the votes immediately after closing the polls and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, or whole number for each special tax or bond issue, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the election so certified to be entered in the minutes. The common council shall cause the sum or sums of money thus voted to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment roll, providing such sum or sums are voted for a purpose other than for enlarging, improving and perfecting the supply of pure and wholesome water to the inhabitants of said city, or to acquire additional water or water rights or to construct additional reservoirs, in which event the common council may, in their discretion, authorize the borrowing of money and the issuing of bonds to secure the same, as provided by section fifty-three of this act. No more than one such election shall be held in the city in any one year, except by the unanimous vote of the common council. After such special tax or taxes or the issuing of bonds as aforesaid, shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement, as aforesaid, and sanctioned by such election, as provided by this act. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of said tax in the event that a bond issue is not made as herein provided, and the amount

Sums
voted to
be placed
on next
assessment
roll.

But one
such elec-
tion to be
held in any
one year.

so raised or borrowed shall be expended only for the purpose or purposes for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax.

§ 2. Section one hundred and seventy-four of said act is hereby amended to read as follows:

§ 174. **Limitation of city indebtedness.**—The city of Plattsburgh shall not incur any indebtedness other than for the supply of water, if thereby its total contract indebtedness including the bonded debt and exclusive of liabilities, for which taxes have already been levied; shall exceed ten per centum of the assessed valuation of the real property of said city, subject to taxation, as it appeared on the last previous city assessment roll. This section shall not be construed to prevent the incurring of an indebtedness and the issuing of certificates therefor in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such indebtedness is incurred and such certificates issued and payable out of such taxes.

§ 3. This act shall take effect immediately.

Chap. 363.

AN ACT to amend chapter one hundred twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," relating to the salaries of certain city officers.

Accepted by the city.

Became a law, May 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-seven of chapter one hundred twenty of the laws of eighteen hundred and eighty-six entitled "An act to revise the charter of the city of Lockport," as amended by chapter five hundred and seventy-one of the laws of eighteen hundred and eighty-seven, as amended by chapter seventy-eight of the laws of eighteen hundred and ninety-two as amended by chapter one hundred and sixty of the laws of nineteen hundred and four is hereby amended to read as follows:

City
treasurer,
office and
duties of.

Account of
receipts and
expendi-
tures;
quarterly
reports of
treasurer,
publication
and exam-
ination of.

§ 57. The office of the city treasurer shall be kept in the city building, and shall be kept open on each day in the year, Sundays, election days and legal holidays excepted, from nine o'clock in the morning until five o'clock in the afternoon, or at such hours as the common council may direct. It shall be his duty, personally, to receive all county, city and local taxes or assessments which may be paid at his office, and to retain there, and not elsewhere, the possession of all warrants and assessment rolls which may from time to time be delivered to him by supervisors, or by the board of supervisors, or by the clerk of the city; he shall enter daily, in suitable books, the sum received by him for taxes or otherwise, with the name of the person on whose account and on what account the same is paid, and shall when required, exhibit the same in his office to the mayor and committee of finances for inspection; he shall be the chief fiscal officer of the said city; he shall be the general custodian of and be responsible, with his sureties, for all the moneys, bonds, obligations or other evidences of debt belonging to said city; he shall receive all moneys belonging to the city; and shall keep an account of all receipts and expenditures, in such manner as the common council shall direct, and it shall be his duty to make a written or printed report to the common council of the condition of the city finances quarterly, namely, at its first meetings in January, April, July and October, showing in said reports the true financial condition of the city on the beginning of the first day of said months respectively, giving the debt and liabilities of the city in detail, and when and for what contracted, as well as the moneys in the treasury, and to what particular funds they belong and the sources from which these moneys shall have been received. He shall verify said report by his affidavit appended thereto, stating that the same and every portion thereof is correct and true, to the best of his knowledge and belief; and it shall be the duty of the common council to cause the same to be published in the official paper of the city, with and as a part of the proceedings of the meeting of the common council at which said report was presented, and thereupon refer the same to its finance committee, which shall forthwith carefully examine the same and the account books, vouchers, bankbooks, certified by bank officers, and moneys in the hands of said treasurer, and report thereon as to the correctness

of said treasurer's report, on or before the last meeting of said common council in said months of January, April, July and October, respectively. All moneys drawn from the treasury, except the union school moneys, shall be drawn in pursuance of an order of the common council, by warrant, signed by the clerk and countersigned by the mayor; said warrant shall specify from what fund and for what purpose the amount mentioned therein is to be paid. He shall perform all the duties hereinafter mentioned in and pertaining to the collection of taxes and tax sales, and such other duties pertaining thereto and to the finances of the city as the common council may direct. He shall receive for all his services to said city a compensation of one thousand eight hundred dollars per annum, and in addition thereto, shall be allowed such sums as he may pay for necessary clerk hire and assistance in his office, not to exceed the sum of five hundred dollars per annum. All fees, percentages or interest moneys received by the treasurer, including all interest moneys which he may receive for the use of moneys in his hands, shall be paid by him into the treasury of the city, except the fees for tax searches as hereinafter provided. He shall also be the collector of county taxes in said city.

Compensation of treasurer.

§ 2. Section seventy-nine of said chapter, as amended by chapter seventy-eight of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 79. The city attorney of said city shall prosecute and defend all actions brought by or against said city, and render such other professional services connected with the affairs of said city as may be required of him by law, or by the common council. He shall receive an annual salary of one thousand dollars in full for all his services for said city, exclusive of his legal disbursements. Provided, however, that in actions brought by or defended by him in any court of record, wherein costs shall be adjudged in favor of said city, he shall be entitled to have and receive the same when collected.

City attorney, duties and compensation of.

§ 3. This act shall take effect immediately.

Chap. 364.

AN ACT to authorize the city of Lockport to borrow money, by the issue of bonds, to make needed repairs to Hawley street school building and to improve the heating, ventilating and closet system therein.

Accepted by the city.

Became a law, May 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds,
execution
and terms
of.

Section 1. The city of Lockport, by its common council, shall have authority, and when requested so to do by the board of education of said city, it shall be its duty, to cause registered or coupon bonds of said city to be issued in the name and upon the faith and credit of said city, which said bonds shall be sealed by the city seal, and signed by the mayor and city clerk, in a sum not exceeding five thousand dollars, bearing annual interest at a rate not exceeding four per centum per annum. The principal of said bonds shall be payable in five equal, successive, annual installments from the date thereof, at the office of the city treasurer.

Proposals
for sale
of bonds,
publication
of.

Record of
bonds.

§ 2. Upon the issue of said bonds, the city treasurer of the city of Lockport shall suitably advertise for proposals for the purchase of the same, and he shall sell them to the party or parties offering to pay the highest price therefor, but at not less than their par value. The said treasurer shall keep in his office a record of all bonds sold hereunder, by number, date, amount and name of payees, subject at all reasonable times to the inspection of the mayor and common council, or any taxpayer of the school district hereinafter mentioned. The proceeds arising from such sale shall be, by said city treasurer, forthwith paid over to the treasurer of the board of education of said city of Lockport. Said board of education shall have the power, and it shall be their duty, to require their said treasurer to execute an additional bond, in form similar to his present official bond, in a sum and with sureties approved by said board, for the faithful holding, paying and accounting for such moneys.

Application
of moneys
received
from sale
of bonds.

§ 3. The moneys so realized from the sale of said bonds issued shall be used and applied by and under the direction of

said board of education, for making needed repairs to the Hawley street school building, in primary school district number four of said city, and for improving the heating, ventilating and closet system therein.

§ 4. The common council of the city of Lockport is hereby authorized to, and shall include in the annual tax levy of said city, in addition to other sums now or which may then be authorized to be raised therein in any one year, the amount necessary to pay said bonds and the interest thereon, as the same shall become due as above provided, the same to be levied and collected of all the taxable property, real and personal, in primary school district number four of said city. The amount so levied for the payment of said bonds and interest shall not be applied to or be used for any other purpose whatever.

§ 5. This act shall take effect immediately.

Chap. 365.

AN ACT to amend chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," relating to the disposition of the tax paid in such city by agents or foreign fire insurance corporations.

Accepted by the city.

Became a law, May 1, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-seven of chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," is hereby amended to read as follows:

§ 127. The two per centum, upon the insurance premiums payable to the city treasurer for the benefit of the fire department of said city under section one hundred and thirty-three of the insurance law, shall hereafter, within said city, be paid by each person or firm who may be liable to pay the same or any part thereof, annually, that is to say, on or before the first day of February in each year, upon the amount of the premiums in said

Bonds of
local
agents,
conditions
of.

section specified, by him or them received during the last year or part of a year ending December thirty-first; and the bonds to be given by local agents or persons within said city, under section one hundred and thirty-four of the insurance law, shall be conditioned in substance that the obligor will, annually, on or before the first day of February, render to said treasurer a just and true account, verified by oath that the same is true, of all premiums which during the last preceding year ending December thirty-first shall have been received by him or by any person for him, or agreed to be paid for any insurance of the kind, or for insurers specified in section one hundred and thirty-three of the insurance law, and that he will annually, on or before the first day of February, pay to said treasurer two dollars upon every hundred dollars, and at that rate upon the amount of such premiums; and the penalty provided in section one hundred and thirty-three of the insurance law, shall apply to and be enforceable against any person effecting or agreeing to effect within said city any such insurance, without having first given the bond required by section one hundred and thirty-four of the insurance law, with conditions as hereby modified. Said money shall be by the city treasurer placed in the insurance fund, and shall be by the said treasurer under direction of the common council paid as follows: ten per centum thereof to the firemen's association of the state of New York as provided by section one hundred and thirty-three of the general insurance law, and the balance thereof to the several volunteer fire companies, of said city of Lockport, in addition to any annual allowance made to said companies as hereinbefore provided, until they, or either of them shall be disbanded, and after the disbandment of said volunteer companies, or either of them, the portion of such balance theretofore paid to such disbanded company or companies shall thereafter be paid to the treasurer of the Exempt volunteer firemen's association of the city of Lockport, a duly incorporated association, instead of the fire department of said city, and shall be the property of and for the use of the Exempt volunteer firemen's association of the city of Lockport and shall be applicable to the purposes for which such association is established: except in the event that either or any of said volunteer fire companies shall within sixty days after their disbandment become duly incorporated as an association or associations under the laws of the

state of New York, relating to exempt volunteer firemen, then the share of said money to which said company or companies were theretofore entitled, shall be paid to the treasurers of said new incorporated association or associations.

§ 2. This act shall take effect immediately.

Chap. 366.

AN ACT to amend the penal code, in relation to obtaining by fraud or without authority signatures to applications or property for degrees, secrets or membership in secret fraternities.

Became a law, May 2, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by inserting therein a new section to be numbered five hundred and sixty-seven-a, to read as follows:

§ 567-a. Obtaining by fraud or without authority signature to applications or property for degrees, secrets or membership in secret fraternities.—A person who willfully by color or aid of any false token or writing, or other false pretense or false statement verbal or written, or without authority of the grand lodge hereinafter mentioned, obtains the signature of any person to any written application, or any money or property for any alleged or pretended degree, or for any alleged or pretended secret work or for any alleged or pretended secrets of, or membership in any secret fraternal association, society, order or organization having a grand lodge in this state, or in any subordinate lodge or body thereof is punishable by imprisonment for not more than three years or by a fine to an amount not exceeding the value of the money or property obtained or by both.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 367.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," in relation to commissioners of deeds in said city.

Accepted by the city.

Became a law, May 2, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-nine, of title five of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," is hereby amended so as to read as follows:

§ 49. Commissioners of deeds.—All commissioners of deeds who shall be appointed after the passage of this act shall hold office for two years from and after the first day of May of the year in which they shall be appointed: provided that every commissioner of deeds hereafter appointed to fill a vacancy occurring by death, resignation, change of residence or removal, shall hold office from the time of his appointment, for the unexpired term of the person in whose stead he is appointed, and no longer. The terms of office of all commissioners of deeds now in office and of all who shall be appointed prior to the passage of this act shall expire on the first day of May in the year one thousand nine hundred and five. The commissioners of deeds shall possess the same powers in the county of Albany as are conferred by law upon commissioners of deeds for the city of Albany, and be entitled to the same fees for services performed by them. A certificate of their appointment attested by the clerk under the corporate seal of the city shall be filed with the clerk of the county of Albany and the oath of office of said commissioners shall be taken before and filed with said county clerk. The holder of any other office under this act may also hold the office of commissioner of deeds if appointed thereto.

§ 2. This act shall take effect immediately.

Chap. 368.

AN ACT to amend the tax law, in relation to taxable transfers.
Became a law, May 4, 1905, with the approval of the Governor. Passed,
three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article ten of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended, is hereby amended to read as follows:

ARTICLE X.

TAXABLE TRANSFERS.

Section 220. Taxable transfers.

221. Exceptions and limitations.

222. Accrual and payment of tax.

223. Discount and interest.

224. Lien of tax and collection by executors, administrators and trustees.

225. Refund of tax erroneously paid.

226. Taxes upon devises and bequests in lieu of commissions.

227. Liability of certain corporations to tax.

228. Jurisdiction of the surrogate.

229. Appointment of appraisers, stenographers, et cetera.

230. Proceedings by appraiser.

231. Determination of surrogate.

232. Appeal and other proceedings.

233. Composition of transfer tax upon certain estates.

234. Surrogate's assistants in New York, Kings and other counties.

235. Proceedings by district attorneys.

236. Receipt from county treasurer or comptroller.

237. Fees of county treasurer.

238. Books and forms to be furnished by the state comptroller.

Section 239. Reports of surrogate and county clerk.

240. Reports of county treasurer.

240-a. Report of state comptroller; payment of taxes.

241. Application of taxes.

242. Definitions.

243. Exemptions in article one not applicable.

Section 220. Taxable transfers.—A tax shall be and is hereby imposed upon the transfer of any property, real or personal, of the value of five hundred dollars or over, or of any interest therein or income therefrom, in trust or otherwise, to persons or corporations not exempt by law from taxation on real or personal property, in the following cases:

1. When the transfer is by will or by the intestate laws of this state from any person dying seized or possessed of the property while a resident of the state.

2. When the transfer is by will or intestate law, of property within the state, and the decedent was a nonresident of the state at the time of his death.

3. When the transfer is of property made by a resident or by a nonresident when such nonresident's property is within this state, by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death.

4. When any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof by any such transfer, whether made before or after the passage of this act.

5. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure,

in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

6. The tax imposed hereby shall be at the rate of five per centum upon the clear market value of such property, except as otherwise prescribed in the next section.

§ 221. **Exceptions and limitations.**—When property real or personal or any beneficial interest therein, of the value of less than ten thousand dollars, passes by any such transfer to or for the use of any father, mother, husband, wife, child, brother, sister, wife or widow of a son or the husband of a daughter, or any child or children adopted as such in conformity with the laws of this state, of the decedent, grantor, donor or vendor, or to any child to whom any such decedent, grantor, donor or vendor for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, provided, however, such relationship began at or before the child's fifteenth birthday and was continuous for said ten years thereafter, and provided also that the parents of such child shall be deceased when such relationship commenced, or to any lineal descendant of such decedent, grantor, donor or vendor born in lawful wedlock, such transfer of property shall not be taxable under this act; if real or personal property, or any beneficial interest therein, so transferred is of the value of ten thousand dollars or more, it shall be taxable under this act at the rate of one per centum upon the clear market value of such property. But any property devised or bequeathed to any person who is a bishop or to any religious, educational, charitable, missionary, benevolent, hospital or infirmity corporation including corporations organized exclusively for bible or tract purposes shall be exempted from and not subject to the provisions of this act. There shall also be exempted from and not subject to the provisions of this act personal property other than money or securities bequeathed to a corporation or association organized exclusively for the moral or mental improvement of men or women or for scientific, literary, library, patriotic, cemetery or historical purposes or for the enforcement of laws relating to children or animals or for two or more of such purposes and used exclusively for carrying out one or more of

such purposes. But no such corporation or association shall be entitled to such exemption if any officer, member, or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purpose be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

§ 222. **Accrual and payment of tax.**—All taxes imposed by this article shall be due and payable at the time of the transfer, except as herein otherwise provided. Taxes upon the transfer of any estate, property or interest therein limited, conditioned, dependent or determinable upon the happening of any contingency or future event by reason of which the fair market value thereof cannot be ascertained at the time of the transfer as herein provided, shall accrue and become due and payable when the persons or corporations beneficially entitled thereto shall come into actual possession or enjoyment thereof. Such tax shall be paid to the state comptroller in a county in which the office of appraiser is salaried, and in other counties, to the county treasurer, and said state comptroller or county treasurer shall give, and every executor, administrator or trustee shall take, duplicate receipts from him of such payment as provided in section two hundred and thirty-six.

§ 223. **Discount, and interest.**—If such tax is paid within six months from the accrual thereof, a discount of five per centum shall be allowed and deducted therefrom. If such tax is not paid within eighteen months from the accrual thereof, interest shall be charged and collected thereon at the rate of ten per centum per annum from the time the tax accrued; unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax can not be determined and paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which ten per centum shall be charged.

§ 224. **Lien of tax and collection by executors, administrators and trustees.**—Every such tax shall be and remain a lien upon the

property transferred until paid and the person to whom the property is so transferred, and the executors, administrators and trustees of every estate so transferred shall be personally liable for such tax until its payment. Every executor, administrator or trustee, shall have full power to sell so much of the property of the decedent as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate. Any such executor, administrator or trustee having in charge or in trust any legacy or property for distribution subject to such tax shall deduct the tax therefrom and shall pay over the same to the state comptroller or county treasurer, as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property subject to tax under this article to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property, the heir or devisee shall deduct such tax therefrom and pay it to the executor, administrator or trustee, and the tax shall remain a lien or charge on such real property until paid; and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that payment of the legacy might be enforced, or by the district attorney under section two hundred and thirty-five of this chapter. If any such legacy shall be given in money to any such person for a limited period, the executor, administrator or trustee shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of an accounting by him, to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

§ 225. Refund of tax erroneously paid.—If any debts shall be proven against the estate of a decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required by order of the surrogate having jurisdiction, on notice to the state comptroller, to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be

repaid to him by the executor, administrator or trustee, if the tax has not been paid to the state comptroller or county treasurer; or if such tax has been paid to such state comptroller or county treasurer, such officer shall refund out of the funds in his hands or custody to the credit of such taxes such equitable proportion of the tax, and credit himself with the same in the account required to be rendered by him under this article. If after the payment of any tax in pursuance of an order fixing such tax, made by the surrogate having jurisdiction, such order be modified or reversed within two years from and after the date of entry of the order fixing the tax, on due notice to the state comptroller, the state comptroller shall, if such tax was paid in a county in which the office of appraiser is salaried, refund to the executor, administrator, trustee, person or persons by whom such tax has been paid, the amount of any moneys paid or deposited on account of such tax in excess of the amount of the tax fixed by the order modified or reversed, out of the funds in his hands or custody to the credit of such taxes, and to credit himself with the same in the account required to be rendered by him under this act, or if paid in a county in which the office of appraiser is not salaried, he shall by warrant direct and allow the county treasurer of the county to refund such amount in the same manner; but no application for such refund shall be made after one year from such reversal or modification, and the state comptroller shall deduct from the fees allowed by this article to the county treasurer the amount theretofore allowed him upon such overpayment. Where it shall be proved to the satisfaction of the surrogate that deductions for debts were allowed upon the appraisal, since proved to have been erroneously allowed, it shall be lawful for such surrogate to enter an order assessing the tax upon the amount wrongfully or erroneously deducted.

§ 226. Taxes upon devises and bequests in lieu of commissions.— If a testator bequeaths or devises property to one or more executors or trustees in lieu of their commissions or allowances, or makes them his legatees to an amount exceeding the commissions or allowances prescribed by law for an executor or trustee, the excess in value of the property so bequeathed or devised, above the amount of commissions or allowances pre-

scribed by law in similar cases shall be taxable under this article.

§ 227. **Liability of certain corporations to tax.**—If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the state comptroller or the treasurer of the proper county on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets belonging to or standing in the name of a decedent who was a resident or nonresident, or belonging to, or standing in the joint names of such a decedent and one or more persons, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or to the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the state comptroller at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person or persons deliver or transfer any securities, deposits or other assets belonging to or standing in the name of a decedent, or belonging to, or standing in the joint names of a decedent and one or more persons, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed on account of the delivery or transfer of such securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, under the provisions of this article, unless the state comptroller consents thereto in writing. And it shall be lawful for the said state comptroller,

personally or by representative, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice or failure to allow such examination, or failure to retain a sufficient portion or amount to pay such tax and interest as herein provided shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of the amount of the tax and interest due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, and in addition thereto, a penalty of one thousand dollars; and the payment of such tax and interest thereon, or of the penalty above prescribed, or both, may be enforced in an action brought by the state comptroller in any court of competent jurisdiction.

§ 228. Jurisdiction of the surrogate.—The surrogate's court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under this article, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of this article, and to do any act in relation thereto authorized by law to be done by a surrogate in other matters or proceedings coming within his jurisdiction; and if two or more surrogate's courts shall be entitled to exercise any such jurisdiction, the surrogate first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other surrogate. Every petition for ancillary letters testamentary or ancillary letters of administration made in pursuance of the provisions of article seven, title three, chapter eighteen of the code of civil procedure shall set forth the name of the state comptroller as a person to be cited as therein prescribed, and a true and correct statement of all the decedent's property in this state and the value thereof; and upon the presentation thereof the surrogate shall issue a citation directed to the state comptroller; and upon the return of the citation the surrogate shall determine the amount of the tax which may be or become due under the provisions of this article and his decree awarding the letters may contain any provision

for the payment of such tax or the giving of security therefor which might be made by such surrogate if the state comptroller were a creditor of the decedent.

§ 229. Appointment of appraisers, stenographers, et cetera.—The state comptroller shall appoint and may at pleasure remove not to exceed six persons in the county of New York; two persons in the county of Kings, and one person in the counties of Albany, Dutchess, Erie, Monroe, Oneida, Onondaga, Orange, Queens, Rensselaer, Richmond, Suffolk and Westchester, to act as appraisers therein. The appraisers so appointed shall receive an annual salary to be fixed by the state comptroller, together with their actual and necessary traveling expenses and witness fees, as hereinafter provided, payable monthly by the state comptroller out of any funds in his hands or custody on account of transfer tax. The salaries of each of the appraisers so appointed shall not exceed the following amounts: In New York county, four thousand dollars; in Kings county, three thousand dollars; in Erie county, three thousand dollars; in Westchester and Albany counties, twenty-five hundred dollars; in Queens, Monroe and Onondaga counties, one thousand five hundred dollars; in Dutchess, Oneida, Orange, Rensselaer and Suffolk counties, one thousand dollars, and in Richmond county, five hundred dollars. Each of the said appraisers shall file with the state comptroller his oath of office and his official bond in the penal sum of not less than one thousand dollars, in the discretion of the state comptroller, conditioned for the faithful performance of his duties as such appraiser, which bond shall be approved by the attorney-general and the state comptroller. The state comptroller shall retain out of any funds in his hands on account of said tax the following amounts: First. A sum sufficient to provide the appraisers of New York county with five stenographers, of Kings county with two stenographers, and of Erie county with one clerk, appointed by the state comptroller, whose salary shall not exceed fifteen hundred dollars a year each. Second. A sum to be used in defraying the expenses for office rent, stationery, postage, process serving, et cetera, necessarily incurred in the appraisal of estates, not exceeding seven thousand five hundred dollars a year in New York county, and one thousand five hundred dollars a year in Kings county.

§ 230. Proceedings by appraiser.—In each county in which the office of appraiser is not salaried the county treasurer shall act as appraiser. The surrogate, either upon his own motion, or upon the application of any interested person, including the state comptroller, shall by order direct the person or one of the persons appointed pursuant to section two hundred and twenty-nine of this article in counties in which the office of appraiser is salaried, and in other counties, the county treasurer, to fix the fair market value of property of persons whose estates shall be subject to the payment of any tax imposed by this article.

Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the state comptroller, and to such persons as the surrogate may by order direct, of the time and place when he will appraise such property. He shall at such time and place, appraise the same at its fair market value as herein prescribed; and for that purpose the said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses before him and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing, to the said surrogate, together with the depositions of the witnesses examined, and such other facts in relation thereto and to said matter as the surrogate may order or require. Every appraiser, except in the counties in which the office of appraiser is salaried, for which provision is hereinbefore made, shall be paid by the state comptroller and after the audit of said state comptroller, his actual and necessary traveling expenses and the fees paid such witnesses, which fees shall be the same as those now paid to witnesses subpoenaed to attend in courts of record, payment to be made out of funds in the hands of the county treasurer of the proper county on account of the tax imposed under the provisions of this article. Appraisers appointed under this article in proceedings pending at the time the amendment to this section takes effect shall complete the appraisals therein and file their reports as herein provided, and shall be entitled to the compensation authorized by law at the time of their appointment, to be paid by the state comptroller in counties in which the office of appraiser is salaried, and in other counties by the county treasurer, out of any moneys in his hands on account of this tax.

The value of every future or limited estate, income, interest or annuity dependent upon any life or lives in being, shall be determined by the rule, method and standard of mortality and value employed by the superintendent of insurance in ascertaining the value of policies of life insurance and annuities for the determination of liabilities of life insurance companies, except that the rate of interest for making such computation shall be five per centum per annum.

In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; provided, however, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section two hundred and twenty-five of this article.

Where any property shall, after the passage of this act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase from the person from whom the title to their respective estates or interests is derived.

When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be im-

posed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this article, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; provided, however, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions of this article, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as is the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this article, with interest thereon at the rate of three per centum per annum from the time of payment. Such return of overpayment shall be made in the manner provided by section two hundred and twenty-five of this article.

Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited.

Where an estate for life or for years can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

The report of the appraiser shall be made in duplicate, one of which duplicates shall be filed in the office of the surrogate and the other in the office of the state comptroller.

§ 231. **Determination of surrogate.**—From such report of appraisal and other proof relating to any such estate before the surrogate, the surrogate shall forthwith, as of course, determine the cash value of all estates and the amount of tax to which the same are liable; or the surrogate may so determine the cash value of all such estates and the amount of tax to which the same are liable, without appointing an appraiser.

The superintendent of insurance shall, on the application of any surrogate, determine the value of any such future or contingent estates, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's report, and certify the same to the surrogate, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct.

The surrogate shall immediately give notice, upon the determination by him as to the value of any estate which is taxable under this article, and of the tax to which it is liable, to all persons known to be interested therein, and shall immediately forward a copy of such taxing order to the state comptroller. The surrogate shall also forward to the state comptroller copies of all orders entered by him in relation to or affecting in any way the transfer tax on any estate, including orders of exemption.

If, however, it appear at any stage of the proceedings that any of such persons known to be interested in the estate is an infant or an incompetent, the surrogate may, if the interest of such infant or incompetent is presently involved and is adverse to that of any of the other persons interested therein, appoint a special guardian of such infant; but nothing in this provision shall affect the right of an infant over fourteen years of age or of any one on behalf of an infant under fourteen years of age to nominate and apply for the appointment of a special guardian for such infant at any stage of the proceedings.

§ 232. Appeal and other proceedings.—The state comptroller or any person dissatisfied with the appraisalment or assessment and determination of tax may appeal therefrom to the surrogate within sixty days from the fixing, assessing and determination of tax by the surrogate as herein provided, upon filing in the office of the surrogate a written notice of appeal, which shall state the grounds upon which the appeal is taken.

Within two years after the entry of an order or decree of a surrogate determining the value of an estate and assessing the tax thereon, the state comptroller may, if he believes that such appraisal, assessment or determination has been fraudulently, collusively, or erroneously made, make application to a justice of

the supreme court of the judicial district in which the former owner of such estate resided, for a reappraisal thereof. The justice to whom such application is made may thereupon appoint a competent person to reappraise such estate. Such appraiser shall possess the powers and be subject to the duties of an appraiser under section two hundred and thirty and shall receive compensation at the rate of five dollars per day for every day actually and necessarily employed in such appraisal. Such compensation shall be payable by the state comptroller or county treasurer out of any funds he may have on account of any tax imposed under the provisions of this article, upon the certificate of the justice appointing him. The report of such appraiser shall be filed with the justice by whom he was appointed, and thereafter the same proceedings shall be taken and had by and before such justice as are herein provided to be taken and had by and before the surrogate. The determination and assessment of such justice shall supersede the determination and assessment of the surrogate, and shall be filed by such justice in the office of the state comptroller, and a certified copy thereof transmitted to the surrogate's court of the proper county.

§ 233. Composition of transfer tax upon certain estates.—The state comptroller, by and with the consent of the attorney-general expressed in writing, is hereby empowered and authorized to enter into an agreement with the trustees of any estate in which remainders or expectant estates have been of such a nature, or so disposed and circumstanced that the taxes therein were held not presently payable, or where the interests of the legatees or devisees were not ascertainable under the provisions of chapter four hundred and eighty-three of the laws of eighteen hundred and eighty-five; chapter three hundred and ninety-nine of the laws of eighteen hundred and ninety-two, or chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, and the several acts amendatory thereof and supplemental thereto; and to compound such taxes upon such terms as may be deemed equitable and expedient; and to grant discharge to said trustees upon the payment of the taxes provided for in such composition, provided, however, that no such composition shall be conclusive in favor of said trustees as against the interests of such cestui que trust as may possess either present rights of enjoyment, or fixed, absolute or indefeasible rights of future enjoyment, or of

such as would possess such rights in the event of the immediate termination of particular estates, unless they consent thereto, either personally, when competent, or by guardian or committee. Composition or settlement made or effected under the provisions of this section shall be executed in triplicate, and one copy filed in the office of the state comptroller, one copy in the office of the surrogate of the county in which the tax was paid, and one copy delivered to the executors, administrators or trustees who shall be parties thereto.

§ 234. Surrogate's assistants in New York, Kings and other counties.—The state comptroller may, upon the recommendation of the surrogate, appoint, and may at pleasure remove assistants and clerks in the surrogate's offices of the following counties, at annual salaries to be fixed by him not to exceed the amounts hereinafter specified:

1. In New York county, a transfer tax assistant, four thousand dollars; a transfer tax clerk, two thousand four hundred dollars; an assistant clerk, eighteen hundred dollars; a recording clerk, thirteen hundred dollars; a stenographer, eight hundred dollars; and shall be entitled to expend not more than five hundred dollars a year in such office for expenses necessarily incurred in the assessment and collection of taxes under this article.

2. In Kings county, a transfer tax assistant, four thousand dollars; a transfer tax clerk, two thousand dollars; an assistant clerk, fifteen hundred dollars; and shall be entitled to expend not more than five hundred dollars a year for expenses necessarily incurred in the assessment and collection of taxes under this article.

3. In Erie county, a transfer tax clerk, eighteen hundred dollars.

4. In Westchester county, a transfer tax assistant, two thousand dollars.

5. In Albany county, a transfer tax clerk, one thousand dollars.

6. In Queens county, a transfer tax clerk, one thousand dollars.

7. In Onondaga county, a transfer tax clerk, twelve hundred dollars.

8. In Monroe county, two transfer tax clerks, seven hundred and fifty dollars each; and shall be entitled to expend not more than two hundred dollars a year for expenses necessarily incurred in the assessment and collection of taxes under this article.

9. In Dutchess county, a transfer tax clerk, nine hundred dollars.

10. In Oneida county, not more than two transfer tax clerks, twelve hundred dollars in the aggregate.

11. In Suffolk county, a transfer tax clerk, one thousand dollars.

12. In Ulster county, a transfer tax clerk, seven hundred and twenty dollars.

Such salaries and expenses shall be paid monthly by the state comptroller, upon proper vouchers, out of any funds in his hands on account of taxes collected under this article.

§ 235. **Proceedings by district attorneys.**—If, after the expiration of eighteen months from the accrual of any tax under this article, such tax shall remain due and unpaid, after the refusal or neglect of the persons liable therefor to pay the same, the state comptroller shall notify the district attorney of the county, in writing, of such failure or neglect, and such district attorney shall apply to the surrogate's court for a citation, citing the persons liable to pay such tax to appear before the court on the day specified, not more than three months after the date of such citation, and show cause why the tax should not be paid. The surrogate, upon such application, and whenever it shall appear to him that any such tax accruing under this article has not been paid as required by law, shall issue such citation and the service of such citation, and the time, manner and proof thereof, and the hearing and determination thereon and the enforcement of the determination or order made by the surrogate shall conform to the provisions of the code of civil procedure for the service of citations out of the surrogate's court, and the hearing and determination thereon and its enforcement so far as the same may be applicable. The surrogate or his clerk shall, upon request of the district attorney or the state comptroller, furnish, without fee, one or more transcripts of such decree, which shall be docketed and filed by the county clerk of any county of the state without fee, in the same manner and with the same effect as provided by law for filing and docketing transcripts of decrees of the surrogate's court. The cost awarded by any such decree after the collection and payment of the tax to the state comptroller or county treasurer may be retained by the district attorney for his own use. Such costs shall be fixed by the surro-

gate in his discretion, but shall not exceed in any case where there has not been a contest, the sum of one hundred dollars, or where there has been a contest the sum of two hundred and fifty dollars. Whenever the surrogate shall certify that there was probable cause for issuing a citation and taking the proceedings specified in this section, the state comptroller, after the same shall have been audited by him, shall pay all expenses incurred for the service of citations and other lawful disbursements not otherwise paid, from funds in his hands on account of such tax, or in a county in which the office of appraiser is not salaried, by a warrant upon the county treasurer of such county for the payment by him of the same from funds in his hands on account of such tax. In proceedings to which the state comptroller is cited as a party under sections two hundred and twenty-nine and two hundred and thirty of this article, he is authorized to designate and retain counsel to represent him and to pay the expenses thereby incurred out of the funds which may be in his hands on account of this tax in any case in a county where the office of appraiser is salaried, and in any other county the state comptroller shall by warrant direct the county treasurer to pay such expenses out of any funds which may be in his hands on account of this tax; provided, however, that in the collection of taxes upon estates of non-resident decedents the state comptroller shall not allow for legal services up to and including the entry of the order of the surrogate fixing the tax a sum exceeding ten per centum of the taxes and penalties collected.

§ 236. Receipts from county treasurer or comptroller.—One of the duplicate receipts issued for the payment of any tax under this article, as provided by section two hundred and twenty-two, shall be countersigned by the state treasurer if the same was issued by the state comptroller, and by the state comptroller if issued by any county treasurer. The officer so countersigning the same shall charge the officer receiving the tax with the amount thereof and affix the seal of his office to the same and return to the proper person; but no executor, administrator or trustee shall be entitled to a final accounting of an estate in settlement of which a tax is due under the provisions of this article unless he shall produce a receipt so sealed and countersigned, or a certified copy thereof. Any person shall, upon the payment of fifty cents to the officer

issuing such receipt, be entitled to a duplicate thereof, to be signed, sealed and countersigned in the same manner as the original.

Any person shall, upon the payment of fifty cents, be entitled to a certificate of the state comptroller that the tax upon the transfer of any real estate of which any decedent died seized has been paid, such certificate to designate the real property upon which such tax is paid, the name of the person so paying the same, and whether in full of such tax. Such certificate may be recorded in the office of the county clerk or register of the county where such real property is situate, in a book to be kept by him for that purpose, which shall be labeled "transfer tax."

§ 237. Fees of county treasurer.—The treasurer of each county in which the office of appraiser is not salaried shall be allowed to retain on all taxes paid and accounted for by him each fiscal year under this article, five per centum on the first fifty thousand dollars, three per centum on the next fifty thousand dollars, and one per centum on all additional sums. Such fees shall be in addition to the salaries and fees now allowed by law to such officers.

§ 238. Books and forms to be furnished by the state comptroller.—The state comptroller shall furnish to each surrogate, a book, which shall be a public record, and in which he shall enter the name of every decedent upon whose estate an application to him has been made for the issue of letters of administration, or letters testamentary, or ancillary letters, the date and place of death of such decedent, the estimated value of his real and personal property, the names, places of residence and relationship to him of his heirs-at-law, the names and places of residence of the legatees and devisees in any will of any such decedent, the amount of each legacy and the estimated value of any real property devised therein, and to whom devised. These entries shall be made from the data contained in the papers filed on any such application, or in any proceeding relating to the estate of the decedent. The surrogate shall also enter in such book the amount of the personal property of any such decedent, as shown by the inventory thereof when made and filed in his office, and the returns made by any appraiser appointed by him under this article, and the value of annuities, life estates, terms of years, and other property of any such decedent or given by him in his will or otherwise, as fixed by

the surrogate, and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent under this article filed with him. The state comptroller shall also furnish to each surrogate forms for the reports to be made by such surrogate, which shall correspond with the entries to be made in such book.

§ 239. **Reports of surrogate and county clerk.**—Each surrogate shall, on January, April, July and October first of each year make a report, upon the forms furnished by the comptroller containing all the data and matters required to be entered in such book, which shall be immediately forwarded to the state comptroller. The county clerk of each county, except in the counties where the registers perform the duties of the county clerk with respect to the recording of deeds, and when in such counties the registers, shall, at the same times, make reports containing a statement of any deed or other conveyance filed or recorded in his office, of any property, which appears to have been made or intended to take effect in possession or enjoyment after the death of the grantor or vendor, with the name and place of residence of such grantor or vendor, the name and place of residence of the grantee or vendee, and a description of the property transferred, which shall be immediately forwarded to the state comptroller.

§ 240. **Reports of county treasurer.**—Each county treasurer in a county in which the office of appraiser is not salaried shall make a report, under oath, to the state comptroller, on January, April, July and October first of each year, of all taxes received by him under this article, stating for what estate and by whom and when paid. The form of such report may be prescribed by the state comptroller. He shall, at the same time, pay the state treasurer all taxes received by him under this article and not previously paid into the state treasury, and for all such taxes collected by him and not paid into the state treasury within thirty days from the times herein required, he shall pay interest at the rate of ten per centum per annum.

§ 240-a. **Report of state comptroller; payment of taxes.**—The state comptroller shall deposit all taxes collected by him under this article in a responsible bank, banking house or trust company in the city of Albany, which shall pay the highest rate of interest to the state for such deposit, to the credit of the state

comptroller on account of the transfer tax. And every such bank, banking house or trust company, shall execute and file in his office an undertaking to the state, in the sum, and with such sureties, as are required and approved by the comptroller, for the safe keeping and prompt payment on legal demand therefor of all such moneys held by or on deposit in such bank, banking house or trust company, with interest thereon on daily balances at such rate as the comptroller may fix. Every such undertaking shall have endorsed thereon, or annexed thereto, the approval of the attorney general as to its form. The state comptroller shall on the first day of each month make a verified return to the state treasurer of all taxes received by him under this article, stating for what estate, and by whom and when paid; and shall credit himself with all expenditures made since his last previous return on account of such taxes, for salary, refunds, or other purposes lawfully chargeable thereto. He shall at the same time pay to the state treasurer the balance of such taxes remaining in his hands at the close of business on the last day of the previous month, as appears from such returns.

§ 241. *Application of taxes.*—All taxes levied and collected under this article when paid into the treasury of the state shall be applicable to the expenses of the state government and to such other purposes as the legislature shall by law direct.

§ 242. *Definitions.*—The words “estate” and “property,” as used in this article, shall be taken to mean the property or interest therein of the testator, intestate, grantor, bargainor or vendor, passing or transferred to those not herein specifically exempted from the provisions of this article, and not as the property or interest therein passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees or vendees, and shall include all property or interest therein, whether situated within or without this state. The word “transfer,” as used in this article, shall be taken to include the passing of property or any interest therein in possession or enjoyment, present or future, by inheritance, descent, devise, bequest, grant, deed, bargain, sale or gift, in the manner herein prescribed. The words “county treasurer” and “district attorney,” as used in this article, shall be taken to mean the treasurer or the district attorney of the county of the surrogate having jurisdiction as provided in section two hundred and twenty-eight of this article.

§ 243. Exemptions in article one not applicable.—The exemptions enumerated in section four of the tax law, of which this article is a part, shall not be construed as being applicable in any manner to the provisions of article ten hereof.

§ 2. This act shall take effect June first, nineteen hundred and five.

Chap. 369.

AN ACT to provide for the disposal of sewage of the village of Ballston Spa in the county of Saratoga by construction of intercepting and trunk sewers and purification works.

Became a law, May 4, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Powers of the board of trustees.—The board of trustees of the village of Ballston Spa, in the county of Saratoga, in addition to the powers conferred upon it by chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages constituting chapter twenty-one of the general laws, known as the village law," shall have the power to adopt, construct, erect, maintain and operate such plans, means and system for the disposal of the sewage of said village, by the construction of trunk sewers and intercepting sewers and purification works, and such other construction, as in the judgment of the board of trustees shall be best adapted for the interests of said village; to raise money for the payment thereof by bonding said village and pledging the said village for the payment of said bonds or other obligations, and interest thereon, and to devise a plan or plans for the raising of revenue for the payment of said bonds or other obligations, and interest thereon, and for the maintenance and operation of said sewage system. For that purpose it may change or reconstruct any of the sewers now in said village of Ballston Spa, and construct intercepting and other sewers and a sewage disposal or purification plant, and such other buildings and construction as it may deem necessary for the proper disposal of the sewage of said village; and for that purpose, may use and occupy any of

the streets, highways, alleys and public places in said village, and may use the entire, or any portion of the bed or course of the Kayaderosseras creek, or any of its branches or tributaries within the village of Ballston Spa, and may take and appropriate such lands, real estate, easements and water rights as it may deem necessary for such purpose, and for the construction of any trunk or intercepting sewers, seepage beds, filtration beds, contact beds or lands or buildings or other construction or structures necessary for the operation of such system of disposal of sewage as they shall adopt; which rights, easements, real estate and water rights so taken and acquired, shall be taken and acquired in the name of the village of Ballston Spa, and shall thereafter belong to the village of Ballston Spa.

§ 2. **Condemnation proceedings.**—In case the said board of trustees shall be unable to agree with any owner or owners of land, water rights, easements or real estate necessary to be taken and acquired by it for the purpose aforesaid, as to the value thereof, the said board of trustees may proceed to condemn the same under the general condemnation law of the state of New York. The procedure shall be as provided in said condemnation law and all damages and expenses therefor shall be paid out of the proceeds of the bonds or other obligations authorized and issued in pursuance of this act.

§ 3. **Work; how to be done.**—All work so authorized pursuant to this act, shall be according to plans and specifications made under the direction of the board of trustees by the village engineer, and such consulting engineer or engineers as the board of trustees shall deem necessary. The expense of such village engineer and of such additional engineers, shall be paid out of the proceeds of the bonds or other obligations authorized to be issued in pursuance of this act. The village engineer shall superintend all construction done in pursuance of this act, under the direction of the board of trustees, and shall have the superintendence of the operation, subject to the direction of the board of trustees, of any sewage system which may be constructed in pursuance of the provisions of this act. All work shall be let by contract to the lowest responsible bidder based upon complete plans and specifications with construction details, which plans and specifications shall be opened for the inspection of all persons desiring to examine the same, and to bid upon such work.

All contracts shall be so framed that the board of trustees may revoke or suspend the same whenever it shall have cause to believe that the contractor is not performing the work according to the terms of such contract and specifications.

§ 4. Power to borrow money.—The board of trustees shall have power to borrow from time to time upon the credit of said village, such sum or sums of money as may be necessary for the payment of the work done pursuant to this act, in an amount not to exceed one hundred and fifty thousand dollars. Said board of trustees shall procure said loan or loans at a rate of interest not exceeding four per centum per annum and upon such terms of credit as shall seem to it to be for the best interests of the said village. To secure the payment of such loan or loans, the said board of trustees is hereby authorized to make, execute and deliver bonds, certificates or other obligations, which said bonds, certificates or other obligations shall be made in such amounts as the board of trustees shall deem best and shall be made payable as follows: Ten per centum of the total amount of the bonds, certificates or other obligations issued pursuant to this act shall be payable on the first day of July in the year one thousand nine hundred and thirty, and ten per centum of such total amount on the first day of July each year thereafter until the whole amount thereof shall be provided for. And such bonds, certificates and other obligations shall be a valid liability against said village and the credit of said village is pledged for the payment of the same; and the said money so borrowed shall be appropriated by the said board of trustees for the work done and had pursuant to the provisions of this act, and also for the preliminary surveys and work already done, and for the purpose of paying any judgment recovered, or that may be recovered, claims presented, or that may be presented against said village, arising out of the use of the Kayaderosseras creek and its tributaries by said village in connection with its sewers and sewer system, and any expenses of litigation connected therewith; and also for the purpose of purchasing such meters as may be deemed necessary by said village in connection with the economical disposal of the sewerage from said village, and for no other purpose. Said bonds, certificates and other obligations shall be sold by the treasurer of said village under

the direction of the board of trustees, at public auction, after advertising such sale in the newspapers of said village for at least once in each week for two consecutive weeks. Such bonds, certificates and other obligations shall be sold to the highest bidder, but not below the par value thereof.

§ 5. **Use of sewer system.**—After the construction of any intercepting or trunk sewer or sewage disposal or purification plant, or either of them, the board of trustees shall have power to compel all buildings within said village to be connected with said sewer system, and if any person or persons owning real property with buildings thereon, shall neglect or refuse to connect such buildings with such sewer system of said village, after reasonable notice so to do, the board of trustees may construct and make such connection and charge the expense thereof to the property so affected, which shall be a lien thereon; such lien shall be superior and have priority to any mortgage, judgment or other lien of any nature affecting such premises without regard to time when they became liens. The board of trustees shall also have the power to collect by civil action in the name of the village of Ballston Spa, any expense it may incur for making such connections. Any civil action so brought shall not impair or affect the lien had under this act for such expense or be held to constitute a bar to any proceedings for the sale of lands upon which said lien exists.

§ 6. **Taxes for bonds, interest et cetera.**—For the purpose of providing for the payment of bonds, certificates or other obligations, and interest thereon, issued pursuant to this act, and for the support, maintenance and operation of any sewage system which may be constructed pursuant to this act, the board of trustees shall have the power to apply the net revenue from the water system of said village to the payment of such bonds, certificates or other obligations, and interest thereon, and for the support, maintenance and operation of such sewer system, and shall also have the power to raise by taxes each year from the taxable inhabitants of said village, and the property therein liable to taxation, such additional amount as shall be necessary therefor, in addition to the amount fixed by the general law relating to villages, which tax shall be levied and collected in the manner provided by law for the enforcement and collection of taxes in said village.

§ 7. By-laws and ordinances.—The board of trustees shall have the power to make such rules, regulations, by-laws and ordinances for the use, preservation, protection and care of said sewer system and said purification or disposal beds, as it may deem advisable.

§ 8. This act shall take effect immediately.

Chap. 370.

AN ACT to amend the code of civil procedure, in relation to the jurisdiction of the court of claims and the duties of the attorney general and superintendent of public works, in respect to claims submitted to such court.

Became a law, May 4, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty-four of the code of civil procedure, as added by chapter thirty-six of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 264. Jurisdiction.—The court of claims possesses all the powers and jurisdiction of the board of claims. It also has jurisdiction to hear and determine a private claim against the state, which shall have accrued within two years. It may also hear and determine any claim on the part of the state against the claimant, or against his assignor at the time of the assignment; and must render judgment for such sum as should be paid by or to the state. But the court has no jurisdiction of a claim submitted by law to any other tribunal or officer for audit or determination. Where jurisdiction to hear and determine a claim is conferred upon the court by a special law, the liability of the state is not thereby implied, but such a claim is subject to defense and counterclaim by the state in the same manner and to the same extent as presented under a general law. No claim which shall accrue after the passage of this act other than for the appropriation of land shall be maintained against the state unless the claimant shall within six months after such claim shall have accrued,

file in the office of the clerk of the court of claims and with the attorney-general a written notice of intention to file a claim against the state, stating the time when, and the place where such claim arose and in detail the nature of the same, which notice shall be signed and verified by the claimant before an officer authorized to administer oaths.

§ 270. Duty of attorney-general and superintendent of public works.—The attorney-general shall represent the state in all proceedings relating to claims. In all cases of canal claims a copy of each such claim and of notice of claim which is or may hereafter be required to be filed with the court of claims shall be filed with the superintendent of public works who on request from the attorney-general, shall furnish such assistance as he may require in subpoenaing witnesses and preparing the cases for trial. The attorney-general may designate a clerk in his office to assist in the preparation of cases for trial and to attend a term of the court. And no claim brought against the state on account of the canal shall be settled or compromised for any amount without the written consent thereto by the superintendent of public works or his duly authorized representative.

§ 2. This act shall take effect immediately.

Chap. 371.

AN ACT to amend chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-three, entitled "An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts," and the acts amendatory thereof, in relation to meetings of board of trustees, a board of street commissioners, a board of water commissioners, the office of treasurer and collector, compensation of assessors, and assessments.

Became a law, May 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one and two of title two of chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-

three, entitled "An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts," as amended by chapter one hundred and thirty-one of the laws of eighteen hundred and ninety-four, and chapter four hundred and sixty-nine of the laws of nineteen hundred and four, are hereby amended to read as follows:

§ 1. Village officers; their election and appointment.—The officers of the said corporation shall be:

1. A president of the village.
2. Eight trustees, two of whom shall reside in each district, but this shall not apply to the trustees in office when this act shall take effect.
3. A clerk.
4. A treasurer and collector.
5. Three assessors.
6. Five street commissioners.
7. Five water commissioners.
8. A police justice.
9. Three police commissioners.
10. The chief of police, policemen and special patrolmen, as hereinafter provided.

11. And such other appointive officers as shall be authorized by this act.

§ 2. Officers to be elected or appointed.—The president, eight trustees, three assessors, treasurer and collector, and police justice shall be elected as hereinafter provided, by the electors of the said corporation qualified to vote for the office of member of assembly. The board of trustees shall appoint the clerk, street commissioners, water commissioners, police commissioners, and such other officers as may be hereinafter provided, and any of said officers thus appointed may be removed by said board of trustees, as prescribed by this act. The police justice shall be subject to removal by the county court or county judge of Ontario county on written charges after a hearing on due notice. Every such officer, whether elected or appointed, must be and at all times continue to be a resident and elector of the village and district for which he is chosen, otherwise the office is vacant and the board of trustees must so declare and provide for a new election or appointment to fill such vacancy.

§ 2. Section nine of title two of said act is hereby amended to read as follows:

§ 9. **Certain officers to file bonds.**—The treasurer and collector, police justice, and such other officers as may be required by the board of trustees, shall, severally, before entering upon the duties of their respective offices, execute and file with the clerk a bond to the village of Canandaigua, with two or more sureties, who shall each justify in the manner and form required by law, or, instead of such sureties, with a corporation duly authorized by the laws of this state to issue surety bonds as surety thereon, and in such sum as the board of trustees, or a majority thereof, shall, in writing thereon, approve, conditioned that he or they will faithfully execute and discharge each and every of the duties of his or their office, and will on demand of the president of the village, or board of trustees, or by vote of any village meeting, duly account for and pay over all moneys received by him or them, or that may in any way come to his or their hands on account of his or their official capacity, and no such officer shall enter upon the duties of his office until he shall have given and filed said bond as herein required.

§ 3. Section two of title three of said act is hereby amended to read as follows:

§ 2. **Stated and special meetings.**—The board of trustees shall hold stated meetings on the first Friday of each month, at half-past seven o'clock in the evening, and at such other times as it shall by resolution direct. It may also hold special meetings, to be called by the president, or by the clerk on the written request of at least three trustees, at such time and place as the written notice to be served on the trustees shall direct. Such notice shall specify the objects of the meeting and shall be served personally, or left at the residence of each member of the board at least one hour before the time of meeting, and no business shall be transacted at such meeting other than that specified in the call therefor, and it shall require a majority vote of the whole board for its adoption. All such meetings, both stated and special, shall at all times be public and open, except at such times as the board may have under consideration the appointment or removal of any village officer, subject to removal by said board under any provision of this act, and at such times it may exclude every person from its session

except the clerk. Within one week after each meeting of the board of trustees, the clerk shall complete and record in the book of village records a full, concise and accurate statement of the various votes, accounts audited, stating the amount, persons for whom and for what audited, and of all proceedings of said board at such meeting necessary or proper to be recorded. All such records shall be open to the inspection of any person interested therein.

§ 4. Subdivision thirty-seven of section three of title three of aforesaid act, as amended by section two of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows, and renumbered thirty-five:

35. To receive, grant or refuse any and all applications for any public franchise and to make, provide and dictate the terms and conditions thereof, subject, however, to the provision that the manner in which any street or public place shall be disturbed or dug up and the character of any work done and materials used in the exercise of any right or power granted by such franchise shall at all times, and in each and every particular, be under and subject to the immediate direction, control, supervision and approval of the board of street commissioners hereby created. Any repairs to or changes of the plant or equipment of any transportation corporation operating under a franchise heretofore granted in any street or public place in said village, or any disturbance of or digging in any such street or public place, or any portion of the materials and soil thereof, or the laying of any pipes, erecting of any poles and wires, or placing or maintaining any material or thing on, upon, over or under any such street or public place by such a corporation shall be at all times subject to the like immediate direction, control, supervision and approval of said board of street commissioners.

§ 5. Section two of title four of said act, as amended by section one of chapter six of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 2. The treasurer and collector.—The treasurer shall receive all moneys directed to be paid into the treasury of said corporation, and pay out the same, and shall render an account of the state of the finances to the board of trustees whenever ordered by it, and shall deliver all books, papers, and property of the corporation, in his hands, to his successor in office on demand. No

money shall be paid by the treasurer for any purpose unless directed and appropriated by a previous vote of the board of trustees, and upon a draft drawn by the clerk, countersigned by the president of the said village, for the time being, and the treasurer in his settlement with the board of trustees shall be allowed for no moneys paid out by him except such as are paid out as above, and he shall receive for his compensation, three hundred dollars per annum, and no other fee, commission, or emolument whatever, except as hereinafter provided, which compensation shall be allowed him by said board of trustees on inspection of his accounts, if the same are found correct. It shall be the duty of the treasurer, in each and every year during the period in which he shall hold such office, to make a statement of his accounts, including all moneys received by him, and the manner in which he has expended or disbursed the same, which statement shall be verified by his oath, and published in the newspapers printed in said village and designated by the board of trustees, as prescribed by this act, for two weeks next preceding such annual election. All moneys paid to the said treasurer by order of any court, in the matter of laying out or opening streets or highways, as prescribed in this act, shall be paid out by him to persons entitled to receive the same by said order and as directed by the board of trustees by resolution, and upon the legal receipts of such persons in proper form, without the drafts of said clerk as aforesaid. He shall give a bond for the faithful discharge of his duties and the payment over to his successor of all moneys remaining in his hands, to be approved by the board of trustees as to form, sufficiency of sureties, and in an amount to be fixed by the board of trustees at not less than double the amount of total receipts by the treasurer during the preceding year for the usual and ordinary expenses of the village; provided that, in case special or additional funds shall come to the hands of the treasurer during any year on account of any improvement, emergency, special expenditure or special village fund, the board of trustees may require additional temporary security from the said treasurer whenever in its judgment the amount of funds in the treasurer's hands, or to come into his hands, is not adequately covered by the regular official bond of such treasurer. The treasurer may execute and file with the clerk of the village a bond, in a penal sum, to be fixed and approved by the said trus-

tees, with a corporation duly authorized by the laws of this state to issue surety bonds as surety thereon, instead of individual sureties as hereinbefore provided. The collector of said village shall perform the duties, possess all the power and authority, and be subject to the liabilities and obligations prescribed by law for collectors in towns of this state, except as otherwise herein prescribed. He shall collect all taxes and assessments for the use of the corporation, and shall receive the same fees therefor as are provided by law for the collectors of town and county taxes, except that for the collection of assessments he shall be entitled to receive the fees hereinafter provided. He shall give to each person paying him any tax a receipt therefor, containing a brief description of the property taxed, and specifying the assessed value thereof, the rate and the amount of the tax.

§ 6. Section three of title four of said act is hereby amended to read as follows:

§ 3. At the expiration of the terms of office of the treasurer and the collector elected upon the tenth day of January, nineteen hundred and five, the offices aforesaid shall be filled by one and the same person, who shall perform all of the duties and receive all the compensation to which both officers are entitled by law. The treasurer and collector shall be supplied with a suitable office by the board of trustees, and said office shall be kept open for the transaction of village business for such a portion of each business day as the board of trustees may determine.

§ 7. Section six of title four of said act is hereby amended to read as follows:

§ 6. The assessors.—It shall be the duty of the assessors to prepare an assessment-roll of the persons and property subject to taxation in said village, at the times and in the manner hereinafter provided; and such assessors shall possess the same powers and perform the duties of the office in the same manner as town assessors, including the power to administer oaths and to correct valuations on the application of persons interested. Any such assessor shall forfeit to the village of Canandaigua twenty-five dollars for every violation of duty as assessor. The compensation allowed said assessors shall be three dollars per diem.

§ 8. Section one of title eight of said act, as amended by section five of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 1. The board of street commissioners, hereinafter provided for, shall be a board of sewer commissioners for the village of Canandaigua and all sewers hereafter to be constructed or maintained in said village, shall be constructed, maintained and paid for in accordance with the provisions of article ten of the village law, being chapter twenty-one of the general laws.

§ 9. Section four of title nine of said act, as amended by section seven of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 4. The board of street commissioners shall have power:

1. To appoint and employ, subject to the approval of the board of trustees, a superintendent of streets and sewers. Such superintendent shall, under the direction of the board of street commissioners, have the general supervision and direction of all public works within its jurisdiction, except such as may be placed by said board under the supervision and direction of the village engineer, and the supervision and direction of laying any connecting or lateral pipes or conduits, leading from any dwelling or other place, to the main sewer pipes in the streets, and keeping the same in repair. Such connecting or lateral pipes, or conduits shall not be laid and connected until a permit therefor shall be obtained from the board of street commissioners and all such connection and lateral pipes or conduits, and the fixtures thereto, shall be constructed under and according to the direction of said superintendent of streets or other authorized agent of said board. Said board may determine upon what terms and conditions it will grant a permit for excavating in a street, and may provide by resolution that no excavation shall be made in any paved street, except by employees of said board, in which case the expense of making such excavation and restoring the pavement shall be paid by the owner or owners of the property benefited and the expense of such excavation and restoration may be assessed against such property and collected in the same manner as other assessments for local improvements are collected. Said board shall have power previous to the undertaking of the work of paving, or macadamizing any street or section of a street in the village, through which extend water mains, gas pipes or public sewers or drains; or if in the judgment of said board the public health requires, to compel the owners of all lots adjoining, abutting or fronting on said street or section of a street to connect their premises with said water

Street
commis-
sioners,
powers of.

Superin-
tendent of
streets,
duties of.

Lateral
pipes and
conduits,
laying of,
permits for.

Excava-
tions in
streets.

Adjoining
owners
may be
compelled
to connect
their prem-
ises with
water, gas
and sewer
systems.

mains, gas pipes or public sewers, pursuant to notice to that effect given by said board, if said owners have not already done so; and in case such owners fail so to do within the time specified in said notice, the board shall make such connections and the expense thereof shall be paid by such owner and may be assessed against said lot as provided by section one hundred and thirteen of said village law. Said board may appoint a village engineer, subject to the approval of the board of trustees, and shall also appoint and engage all employees and laborers at any time necessary for the performance of the work done under its direction, and shall, subject to such approval, fix the compensation of said village engineer and superintendent. Said board may fix the compensation of all other employees so employed by it, except as otherwise especially provided.

2. To make rules and regulations for its own government and the government of the village engineer, the superintendent of streets and all employees of the board of street commissioners and prescribe their duties. Rules and regulations.

3. To make all contracts relating to construction, paving and repair of the streets and sidewalks, public places and public squares, parks and sewers, and for the cleaning of the streets, sprinkling of the same, and the removal of dirt therefrom, the grading, paving, draining and macadamizing of all streets, public places and public squares, the construction, laying and extending of sewers, the improvement, care and cleaning of the piers, wharves, cofferdam, breakwaters and basins at the foot of the main street in said village, and the providing of all materials, machinery, implements and utensils necessary therefor; but no member of the board of street commissioners, or employee of said board, shall be directly or indirectly financially interested in any contract let by said board. Contracts relating to street improvements.

4. To construct, lay out, open, extend, alter, widen, straighten, or discontinue all streets, sidewalks, public places and public squares and bridges in the village, but no street or portion of a street shall be discontinued without the consent of all persons owning or interested in lands abutting thereon. Opening and discontinuing streets.

5. To grade, pave, repave, drain, macadamize, sprinkle or clean any street, or section of street, or any public places, or public squares; to establish the grade line of streets and sidewalks, and to cause sidewalks, crosswalks and gutters to be Contracts for street improvements, approval of.

made and repaired, and curbs to be set, of such material as it may direct; it is provided, however, that all contracts relating to the construction, paving, repaving, grading, draining, or macadamizing of streets, public places, or public squares; the construction, laying and extending of sewers; the laying out, opening, extending, altering, widening, straightening, or discontinuing of streets, public places, or public squares, as provided for in subdivisions three, four and five of this section, must be submitted to, and have the approval of, the board of trustees.

Surveys,
maps, etc.

6. To cause all necessary surveys, maps and profiles relating to any street within its jurisdiction, to be made, and have the charge and control of all surveys, maps and profiles, belonging to the village.

Planting
trees in
public
places and
improvement
of
parks.

7. To regulate and provide for the planting, rearing, trimming and removing of ornamental trees in the streets, parks, public squares, and public places, and to prevent their cutting, injury or destruction; to improve and ornament public parks and pleasure grounds.

Removal of
snow, dirt
and other
obstructions.

8. To require all persons owning or occupying property in said village, and the owners of unoccupied property therein to grade and mow parkings, to remove all snow, ice, grass, leaves, stones, dirt, or any other obstruction, hindrance, or nuisance from the sidewalks in front of the premises so owned or occupied by them, and in the case of neglect or refusal on the part of such owner or occupant, to remove the same at his expense, such expense to be assessed against and become a lien upon said property as provided by section one hundred and thirteen of the village laws.

Naming
streets and
regulating
speed of
locomotives.

9. To give names to streets and numbers to lots and tenements; to change the same and compel the owners of lots and tenements to mark and maintain such numbers conspicuously thereon, and to regulate the speed of locomotives and cars within said village, to restrain or prevent the standing of locomotives or cars upon or near street crossings in said village.

Incumber-
ing streets
by teams,
building
material,
etc.

10. To regulate or prohibit the incumbering of the streets, parks, pier, and basin, public places, sidewalks, crosswalks, lanes, and alleys, with teams, carriages, carts, sleighs, cars, sleds, wheelbarrows, boxes, lumber, timber, building materials, firewood, coal, or any other substance or material whatsoever.

11. To regulate or prohibit any street surface railway company from running, drawing or propelling any steam railroad freight car or cars through or along any street or section thereof within the corporate limits of the village. ^{Freight cars.}

12. To regulate or prohibit the erection or construction of any projection from or in front of any building in, over, or upon any of the streets or sidewalks in said village, and cause the same to be removed at the expense of the owner or occupant of the premises, and to enforce the penalty prescribed for neglect or failure to make such removal. ^{Projections over streets.}

§ 10. Section five of title nine of said act, as amended by section seven of chapter four hundred sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 5. Street and sewer funds.—The amount raised to defray the expense of maintaining, repairing, paving and cleaning the streets and public places and public squares; for the improvement and maintenance of the piers, wharves, breakwaters, cofferdams and basins, and for the laying out and alterations of streets shall be kept in a separate fund called the "street fund." The amount raised for the extension and repair of the sewers and for the construction and maintenance thereof, except as otherwise provided in this act, shall be kept in a separate fund to be called the "sewer fund." The street fund and the sewer fund shall be paid out by the village treasurer only upon warrant drawn by the board of trustees upon the treasurer upon vouchers approved by the village engineer or superintendent of streets, and certified by the board of street and sewer commissioners, stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, from what fund it is to be paid, with a reference to the resolution authorizing such expenditure and specifying the date thereof. Said board of street and sewer commissioners shall not certify to the board of trustees for audit any bill for material or labor supplied said village by any member of said board of street and sewer commissioners, or any copartnership in which any member of said board may be interested. Section two of title four and sections one and two of title five of this act, in so far as the same are inconsistent with the foregoing provisions, shall be deemed inapplicable to the auditing and payment of all claims and demands against said

village arising from matters within the jurisdiction of the board of street commissioners.

§ 11. Section six of title nine of said act, as amended by section seven of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 6. **Annual report.**—Upon one of the first four days of January in each year, the board of street commissioners shall file with the village clerk a report containing a statement of the following facts:

1. The amount of money on hand at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year, and the balance on hand.

3. The estimated amount necessary to pay the expenses of the board during the coming fiscal year.

4. Such other facts as the board deems important for the information of the village, including such recommendations as may be deemed proper.

Said board shall also cause such report to be published in such newspaper printed in said village as it may designate for the purpose.

§ 12. Section ten of title nine of said act, as amended by section seven of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 10. **Definitions.**—The term “street” as used in this act also includes a highway, road, avenue, lane or alley, or any section thereof, which the public have a right to use; and the term “pavement” includes macadam, telford, asphalt, brick or other similarly improved roadbed, and also curbs, gutters, drains and storm sewers.

§ 13. Section eleven of title nine of said act, as amended by section seven of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 11. **Paving.**—If the board of street commissioners shall decide on its own motion that any street or section of a street ought to be paved, repaved, or graded, or if the owners of more than one-half of the real estate fronting thereupon, exclusive of any portion thereof owned by the village, shall petition it, it shall publish once in each of two successive weeks in three of the news-

papers printed in said village, a notice that at a time and place therein to be specified, it will meet to make a final determination in respect thereto. Such notice shall contain a brief description of the character, location and extent of the improvement. Any person interested shall be entitled to be heard at such meeting in opposition to such improvement. If before such a meeting a protest in writing against the improvement is signed by the owners of two-thirds of the frontage upon such streets or sections and acknowledged as deeds of real estate are required to be acknowledged and filed with the president of said board, it shall not order the proposed improvement, nor shall it again consider the same within a year; but the owners of a majority of the frontage of a smaller section of the same street, of not less than five hundred feet, may file with the president of said board a petition therefor, in which case said board may order the improvement as therein requested. If the board shall finally determine to make the improvement it shall record an order therefor in its minutes. Said order shall specify what proportion of the expense of making such improvement, after deducting the amount which any street or other railway is legally obliged to pay, shall be paid by the village at large and what proportion thereof shall be assessed locally upon the real estate adjoining, abutting or fronting upon the street or section of a street so to be improved, but in no case shall more than two-thirds or less than one-third of such expense be assessed locally upon adjoining, abutting or fronting real estate.

§ 14. Section twelve of title nine of said act, as amended by section seven of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 12. Apportioning expense, assessments, bonds.—Either before or after said board shall finally determine to make the proposed improvement, it shall cause a notice to be published in three of the newspapers published in said village, that on a certain day therein specified, at least two weeks after the first publication thereof, sealed proposals will be received for making such improvement and doing such work, each such proposal to be accompanied by bonds or other sufficient security that in case such proposal is accepted, the person making the same will enter into a contract to make such improvement at the price and upon the terms mentioned in

Proposals
for im-
prove-
ments,
publication
of notice
of.

Opening
proposals.

Trustees
may bor-
row money
to pay
expense of
improve-
ment.

Appor-
tionment of
expense of
improve-
ment.

Report of
apportion-
ment.

such proposal, and to supply a bond with sureties or other satisfactory security, in a penalty to be approved by said board, conditioned for the faithful performance of said contract. On the day mentioned in said notice, or such other time as the board may prescribe, the president shall, in the presence of the board, open such sealed proposals, and the most favorable thereof may, if approved as provided in section four, be accepted by it or all of such proposals may be rejected, but in case no proposal is received, or all are rejected, said board may either readvertise for bids or may make the proposed improvement through and by its own agents and employees, as it may determine. Before any apportionment of the expense of the proposed improvement has been made, the board of trustees may, upon the request of the board of street commissioners, borrow from time to time whatever amount may be necessary to pay for the construction of the work during its progress, and the amount so borrowed shall be placed in the street fund and shall be expended only in the payment of the cost of such improvement, and said loan or loans, together with the interest thereon, shall be repaid within one year from moneys received from taxes, assessments and the sale of village bonds as hereinafter provided. When said board has ascertained, as near as may be, the total cost of making such improvement, which cost may include all necessary incidental expenses, such as engineering, inspection, interest, printing and clerk hire, it shall apportion the same upon all the real estate adjoining, abutting or fronting upon said street or section of a street then to be improved, in proportion to the frontage of the respective lots and parcels thereof, first deducting the share thereof imposed upon the village at large and the share thereof which any street or other railway company may be liable to pay. The said board shall report such apportionment and the amount for which said railway company is liable and a list of lots and parcels of land liable to assessment, with their respective frontage, to the board of trustees, and shall cause the share for which the village is liable to be paid out of the street fund, and if there be not sufficient money in said fund for the purpose in addition to that required to meet the necessary street expenses until taxes for the next year are paid in, it shall report the deficiency to the board of trustees, which board shall thereupon borrow the necessary amount and pay it into the street fund, and include it

in the next tax levy, and the amount so borrowed shall be repaid within one year from the proceeds of the said tax. But said board of trustees may in its discretion, instead of including the amount so borrowed in the next tax levy, call a tax meeting pursuant to the provisions of title seven of this act, and submit thereat a proposition to issue the bonds of the village for the amount so borrowed, or any part thereof, in such amounts and for such time as it shall deem advisable. Any bond so authorized to be issued shall be issued in accordance with the provisions of sections one hundred twenty-nine and one hundred thirty of said village law, and the provisions of section one of title seven of this act shall apply to the payment of principal and interest of such bonds. The board of trustees shall assess upon any railway company its share of the cost of the portion of the improvement between its tracks, the rails of its tracks and two feet in width on each side of the rails outside of its tracks, but shall not include the cost of curbs, gutters or storm sewers or any part thereof, but no such assessments shall be made in any case where said railway company shall have completed its legal share of such improvement at its own expense in accordance with the provisions of section ninety-eight of the railroad law. Its portion shall be assessed against any railway company in the same manner as other assessments for local improvements, and the amount so assessed shall be a first lien upon all the property and franchises of such railway company within the corporate limits of said village, until fully paid. This section shall apply to streets or sections of streets repaved or repaired, and also to such streets or sections of streets as are newly paved or are to be newly paved. The board of trustees shall assess the residue of such expense upon all the real estate adjoining, abutting or fronting upon said street or section of a street, as hereinbefore provided, in proportion to the frontage of said lots or parcels of real estate respectively, and shall designate in such assessment the names of the owners of said real estate, the number of feet frontage owned by them respectively, and amount of such assessment, and shall thereupon cause a notice to be published once in each of two successive weeks in three newspapers printed in said village that such assessment has been made, and that the board of trustees will

Board may
call a tax
meeting to
submit
proposi-
tion to
issue bonds.

Assessment
of expense
on railway
company.

Assess-
ment of
residue of
expense,
notice of.

meet at a time and place to be stated in said notice, to hear any objections which may be made to such assessment, and in the meantime the said assessment may be examined, without expense, by any person desiring to examine the same. At the time and place specified in said notice, the board of trustees shall hear such objections as shall be made to the assessment, and shall review the same and adjourn such proceedings from time to time, may request the attendance of said board of street commissioners, and may alter and amend the said assessment in its discretion; and when it shall deem said assessment to be correct, it shall confirm the same and the said assessment shall be forthwith collected in the same manner as other assessments are collected, as provided in this act, and the amount thereof shall be placed in the street fund, and shall be expended only for the purpose of defraying the expense of said improvement. If any real estate assessed belongs to the county of Ontario, said county shall be liable for and pay its assessment as if a private individual. If any of said real estate so assessed belongs to the village, the amount of the assessment thereupon may be paid out of the street fund, or in the discretion of the board of trustees the same may be borrowed and paid into the street fund, in which case the amount so borrowed shall be included in the next tax levy and be paid in one year from the proceeds of said tax. Intersecting or abutting streets shall not be considered property owned by the village in determining the entire cost of any local improvement which shall be borne by the village. This section shall apply to the apportionment of the cost of paving any street or section of a street where the apportionment of the cost thereof has not been confirmed by the board of trustees. In case any apportionment or assessment hereafter made for a local improvement shall be set aside by any court of this state having competent jurisdiction, or shall fail through any irregularity in making or confirming such apportionment, or assessment, it shall be lawful for and be the duty of the board of trustees forthwith to cause a new apportionment or assessment including the interest and expenses of the former apportionment or assessment, to be levied and collected; and such new apportionment and assessment shall have the same force and effect as though no former apportionment or assessment had been made. The apportionment of the cost of

Collection
of assess-
ment.

Intersecting
or abutting
streets not
to be
considered.

When new
assess-
ment is
author-
ized.

paving and repairing any street or section of a street may be made either before or after the work is completed, and the amount so apportioned and assessed shall be collected as hereinbefore provided. Any apportionment made before the work is completed may be corrected, and as corrected shall be apportioned and assessed and confirmed upon completion of the work in the manner hereinbefore provided, and shall have the same force and effect as though no former apportionment or assessment had been made.

After an apportionment and an assessment has been made, the board of trustees may borrow an amount of money equal to the sum of the unpaid assessments upon the property owners and railway company, and pay the same into the street fund to be expended only for such improvements, and the amount so borrowed shall be repaid within one year either from the sale of the village bonds, to be issued as provided by law, or from the amount received from the assessments upon said property owners and railway company. The provisions of this and the previous section, so far as the same may be applicable, shall apply to the sprinkling and to the apportionment of the cost thereof, the assessment and collection of the same, of any street or section of a street, except that if a protest against sprinkling, in writing, signed by the owners of more than one-half of the frontage upon said street or section of a street, be filed with said board of street commissioners, it shall not order the proposed sprinkling, nor shall it again consider the same before the expiration of one year, but the owners of a majority of the frontage of a smaller section of the same street, not less than two hundred and fifty feet, may file with said board, a request therefor, and in that case said board may order the sprinkling as therein requested, and except also that said board may sprinkle any street or section thereof through and by its own agents and employees without first advertising for bids.

§ 15. Section twenty-six of title nine of said act, as amended by section one of chapter forty-two and by section eight of chapter four hundred and sixty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows, and renumbered fourteen:

§ 14. Collection of assessments.—Whenever any assessment roll for local improvements shall be left with the tax collector, he shall forthwith give notice in three newspapers published in said village and within five days from the date of the

Apportionment of expense of paving street, when to be made.

Trustees may borrow money equal to amount of unpaid assessments.

Sprinkling streets, apportionment of expense of.

§ 26 re-numbered.

notice so published, he shall cause a written or printed notice to be given to every person, owner, occupant or agent of the real estate assessed for the local improvement within the village, from whom an assessment may be due, specifying the amount and for what purpose the assessment was made and when payable. Such notice may be served personally, or by leaving the same at the residence or place of business of such person, owner, or occupant or agent, or it may be served by depositing a copy thereof in the postoffice, properly folded and directed to such owner, occupant or agent, and with the postage prepaid thereon, stating that an assessment roll for local improvement has been left with him for collection, and that for the first ten days he will receive thereon without fees, for the ten days thereafter at one per centum, and for the next ten days at five per centum. But any failure to give such notice shall not invalidate such assessment. If any assessment which is due shall remain unpaid at the expiration of forty days, the tax collector shall, without further notice, proceed to collect by distress and sale as directed in this act for the collection of village taxes, except that the fee which shall be collected upon such levy and sale shall be five per centum. The board of trustees at the time that it finally determines the amount to be assessed for a local improvement upon the several parcels of property adjoining, abutting or fronting upon the streets or premises improved or to be improved may provide that the owner or owners of any such real estate against which a tax is assessed may have the privilege of paying the same in such equal annual installments not exceeding five, as it may prescribe; upon filing with the village clerk within fifteen days thereafter their election and agreement to pay the same in that manner with the interest thereon payable annually. Every assessment as to which such agreement shall be filed, shall be collected by such installments, with the annual interest thereon, and every installment with accrued interest, shall be a lien upon the real estate against which the same was assessed as in the case of other assessments, but in case default shall occur in the payment of any installment or interest thereon, for a period of thirty days after the same shall become due, all unpaid installments, with interest thereon, shall become due and payable forthwith, and may be collected in the same manner as an installment due by the terms of said agreement. The board of trustees in its discre-

tion may cause any property sold for an unpaid assessment or installment thereof and interest to be purchased for the village. For the purpose of anticipating the payments of such installments, the board of trustees may issue the bonds or other obligations of the village therefor or for such part thereof payable at such times not exceeding five years, with the interest not exceeding six per centum per annum, as it may deem advisable; said bonds or obligations shall be signed by the president and the treasurer of the village and be sold for cash at public or private sale at not less than par, and the funds derived from the collection of said installments as they become due shall be applied to the liquidation of said bonds or obligations, but nothing herein contained shall be construed to limit the liability of the village to pay such obligations as the same become due.

§ 16. Chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-three, as amended by chapter one hundred and thirty-one of the laws of eighteen hundred and ninety-four, as amended by chapter forty-two and chapter four hundred and sixty-nine of the laws of nineteen hundred and four, and as amended by chapter six of the laws of nineteen hundred and five, is hereby further amended by adding a new title, to be known as title thirteen, and to read as follows:

TITLE XIII.

Section 1. **Water commissioners, election of.**—The board of trustees of the village of Canandaigua shall elect by ballot annually one water commissioner to fill the vacancy occasioned by the expiration of the respective terms of office of the water commissioners now in office, and each water commissioner so elected shall hold his office for five years, unless sooner removed for cause in the manner provided by law.

§ 2. **Meetings; powers and duties.**—The annual meeting of the board of water commissioners of the village shall be held on the second Monday in January in each year. A majority of the commissioners shall form a quorum for the transaction of business. At each annual meeting the board shall elect a president from its own number, and whenever he shall be absent, it may elect a president pro tem. The said board of water commissioners shall hold stated monthly meetings, and shall meet as much oftener as its duties shall require. In case of any vacancy in the board by

death, resignation or otherwise, the village board of trustees may appoint some person to fill such vacancy for the balance of the unexpired term. It shall be the duty of the said board of water commissioners and it shall have the power :

Preservation of water works and water supply.

1. To keep the property and works belonging to the village and used and provided for the purpose of furnishing a supply of water, in good order and repair, and to see that all proper measures are taken to preserve the purity of the water, and a sufficient supply thereof.

Extension of water system.

2. To cause the line of water pipes connected with such water works to be laid down and extended through any of the public streets, lanes or alleys of said village as a local improvement whenever it shall deem it advisable, and the board of trustees shall by resolution approve of the same, the expenses thereof to be assessed upon and borne by the real estate it deems benefited, and in such case the provisions of law relating to local improvements in villages shall apply to such extension in all things, except that the plans and specifications therefor shall be prepared under the direction of said water commissioners.

Regulations for management of water works.

3. To make such by-laws and regulations for the preservation, management and protection of the water works, and the use and control of the water, as may be deemed advisable, and prescribe the penalty for the violation thereof, which, when ratified and approved by the board of trustees, shall have the same force and effect as any law or ordinance by the latter enacted; and the water commissioners may alter or amend the same, with the approval of the board of trustees.

Water rents.

4. To establish, by and with the approval of the board of trustees, a scale of rents, to be called "water rents," to be charged and paid annually, or at other such times as the commissioners shall determine, by the owners and occupants of all buildings and consumers of water, and apportioned as near as may be practicable to the different classes of buildings in said village erected. in reference to their dimensions, values, exposure to fire, ordinary or extraordinary uses of water, or consumption of water; and from time to time may alter, modify, amend, increase or diminish rents in said scale and extend it to other descriptions of buildings, establishments or uses; or may grant special permits to builders for such time and at such rates as it may deem fit; and said commissioners and their respective em-

ployees shall be authorized at all times to enter into any building or place where water is used to examine as to the water, quantity of water used, and manner of using it, and the condition of fixtures, and to cause the repair of defective fixtures at the expense of the water taker, the cost thereof to be collected in the same way as water rents. The amounts fixed by the board for said special water rates shall be paid to the commissioners by the owner or occupant of said property, and paid over by them to the village treasurer. In default of payment on demand, one per centum shall be added for each and every period of thirty days which shall expire after such demand until the amount is paid, and such amount, together with such added per centum, shall constitute a lien upon the property upon which such water shall be used, to be collected by sale of such property in the same manner as provided by law for the collection of taxes and assessments for village purposes, and suit may also be maintained for the recovery thereof against the owner or occupant of such property.

5. To see that all rules and regulations made and ratified as aforesaid are duly obeyed, and all violations thereof punished. Violation of rules and regulations.

6. To promulgate the rules and regulations for the use of the water in the manner deemed best by the commissioners, and to enforce the observance of such rules by cutting off the use and supply of water. Use of water, rules for.

7. To keep a record of all its proceedings in a suitable book, which shall at all reasonable hours be open to the inspection of the president, trustees, their duly appointed representatives, or of any taxpayer. It shall also keep a record of all persons furnished with water, the receipts from the same, and between the first and fourth day of January in each year shall file with the village clerk a report containing a statement of the following facts: Record of water receipts.

1. The amount of money on hand at the date of its last annual report, and a detailed report of the receipts from all sources during the year. Report.

2. An itemized statement of the amount paid out during the year, and the balance on hand.

3. The outstanding indebtedness of the department, either bonded or otherwise, separately stated.

4. The estimated deficiency in the amount necessary to pay principal or interest or the expenses of the department during the

next year, after applying thereto the probable amount of water rents or other income to be received, and any amount available from the sinking fund.

5. An itemized statement of the sinking fund and of all sinking fund investments, and of the amount, if any, necessary to be raised by the trustees by tax for the sinking fund to provide for the annual increase thereof, as in section five provided.

6. The improvements and extensions made during such preceding year and the general condition of the water works.

7. Such other facts as the board deems important for the information of the village, together with such recommendations concerning the department as may be deemed proper.

The commissioners shall serve without pay, but they may be reimbursed for such expenses incurred in the discharge of their duties as may be allowed them by the board of trustees.

§ 3. Superintendent; employees.—The said commissioners shall, subject to the approval of the board of trustees, appoint some competent person as superintendent of water works, and said commissioners from time to time may appoint such other employees and assistants as may be necessary for the management, operation and care of the water works. Said superintendent and employees shall severally hold their offices or positions during the pleasure of the commissioners. The salary of the said superintendent shall be fixed by the said commissioners, with the approval of the board of trustees.

§ 4. Supply pipes.—The supply pipes leading from the buildings to the gutter or curb line shall be inserted and kept in repair at the expense of the owners or occupants, and shall not be inserted or connected with the main pipes until a permit therefor shall be obtained from the superintendent or commissioners, and all such connecting or supply pipes shall be constructed and connected in the manner directed by said superintendent or commissioners.

§ 5. Water rents; sinking fund; investments.—The annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray all expenses connected with said water works, and of extending the same, shall be applied to the payment of the principal and interest on the water loans, and also toward the creation of a sinking fund for the payment of the principal of said loan, as it shall from time to time become due

and payable, which sinking fund shall be managed and controlled by the water commissioners, and shall be increased each year in a certain amount, to be determined in the first instance by the said water commissioners, with the approval of the board of trustees, and when so fixed shall not thereafter be decreased, except upon the recommendation or approval of the said commissioners. The said water commissioners may make investments, in behalf of said sinking fund, in any security authorized by the laws of this state for the investment of moneys deposited in savings banks, and also in the bonds, certificates of indebtedness or other obligation lawfully authorized to be issued by the village of Canandaigua, which last named bonds, certificates and obligations the commissioners may purchase at prices not exceeding their par value, and if any of the bonds so purchased shall be water bonds of said village, such water bonds shall be immediately cancelled.

§ 6. Sinking fund, deficiency in.—In case the entire annual receipts for water rents, after deducting all expenses therefrom, shall not be sufficient in any one year to pay the principal and interest due on such water debt and provide for the increase in the sinking fund, according to the provisions of section five, it is hereby made the duty of the board of trustees of the village of Canandaigua, and such board is hereby authorized, to cause such deficiency to be assessed, levied and collected from all the taxable property of said village at the same time and in the same manner as other expenses of said village are assessed, levied and collected, and the same shall be applied to the payment of such principal and interest for the increase and maintenance of the sinking fund.

§ 7. Separate water accounts; drafts.—It shall be the duty of the treasurer of the village of Canandaigua to receive and keep all moneys collected for water rents and to keep an account thereof separate from other village funds, and also to keep a separate account of the uninvested sinking fund. Said water fund shall be paid out by the village treasurer only upon warrant drawn by the board of trustees upon the treasurer, upon vouchers approved by the superintendent and certified by the board of water commissioners. The sinking fund shall be subject to the drafts of the water commissioners for the payment of water bonds and for investment only. Such drafts shall have attached

thereto a copy of the resolution of the commissioners showing for what purpose the amount thereof is withdrawn from the sinking fund, and shall be signed by the president, countersigned by the superintendent and paid by the treasurer.

§ 8. **Surveys.**—The water commissioners of the village of Canandaigua are hereby authorized by themselves, or by their authorized agents or employees, to enter upon any land or water for the purpose of making measurements and surveys of such property as they deem necessary for the enlargement, alteration or improvement of the water works.

§ 9. **Injury or destruction of water property.**—If any person shall wilfully do, or cause to be done, any act whereby injury is done to any work, materials or property whatsoever erected or used within the village of Canandaigua or elsewhere by the said board of trustees, or by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, such person shall be deemed guilty of a misdemeanor and upon conviction shall be punished accordingly.

§ 10. **Materials.**—The commissioners shall have power to make contracts for material, repairs or construction in connection with the water works, which contracts shall be made in writing, and of each contract there shall be three originals executed by the parties, which shall be numbered by the same number, one of which shall be given to the contractor, one to the clerk of said village, and one retained by the said commissioners.

§ 11. **Contracts.**—Public notice shall be given by said commissioners in one or more newspapers of the time and place at which sealed proposals will be received for entering into such contracts; and the contract shall be let to the lowest responsible bidder, who shall furnish satisfactory security for its faithful performance, unless the board of water commissioners shall reject all bids therefor, which it shall have power to do. No proposal or contract shall be awarded or entered into without the approval of the board of trustees, except for ordinary repairs, materials and running expenses.

§ 12. **Work and materials, commissioners and superintendent not to be interested in.**—No commissioner or superintendent shall be directly or indirectly interested in any contract relating to the work on, or materials furnished for, the water works.

§ 13. Highways and streets, laying pipes in.—The said commissioners and all persons acting under their authority shall have the right to use the ground or soil under any street, highway or road within the town of Canandaigua for the purpose of introducing water into the village of Canandaigua, on condition that they shall cause the surface of such street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired; and such right shall be continuous for the purpose of repairing or relaying water pipes upon like conditions.

§ 14. Village attorney.—It shall be the duty of the village attorney to give to the water commissioners such counsel and assistance as may be necessary in and about the business and proceedings of said commissioners, and to take charge of all suits for the recovery of unpaid water rents that may be brought by them.

§ 15. New pumps; repairs; emergency bonds.—In case the construction of new water works, or new pumps therefor, becomes necessary, the water commissioners, by and with the consent of the board of trustees, shall have power to purchase such land and purchase or build such buildings, engines, machinery and apparatus, or any part thereof, as may be necessary for the operation of the water works of the village, and the board of trustees may issue bonds in payment therefor in a sum not exceeding fifty thousand dollars in the aggregate, according to the provisions of, and in the manner provided by, law, providing a proposition for the issuing of bonds for such purpose shall have been first submitted to the taxpayers of the village of Canandaigua in the manner set forth in the village charter for the raising of money, and the consent of the taxpayers obtained therefor.

§ 17. Title thirteen of said act is hereby renumbered, the title to be known as title fourteen.

§ 18. Subdivisions twenty-nine and thirty-two of section three of title three of said act are hereby repealed.

§ 19. Subdivisions thirty, thirty-one, thirty-three, thirty-four, thirty-five, thirty-six, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-four, forty-five, forty-six, forty-seven and forty-eight of section three of title three of said act are hereby renumbered as follows: Subdivision thirty to be twenty-nine, subdivision thirty-one to be thirty, subdivision thirty-three to be

thirty-one, subdivision thirty-four to be thirty-two, subdivision thirty-five to be thirty-three, subdivision thirty-six to be thirty-four, subdivision thirty-eight to be thirty-six, subdivision thirty-nine to be thirty-seven, subdivision forty to be thirty-eight, subdivision forty-one to be thirty-nine, subdivision forty-two to be forty, subdivision forty-four to be forty-one, subdivision forty-five to be forty-two, subdivision forty-six to be forty-three, subdivision forty-seven to be forty-four, and subdivision forty-eight to be forty-five.

Rights not
affected by
repeal.

§ 20. All acts or parts of acts so far as they are inconsistent with the provisions of this act are hereby repealed, but such repeal shall not affect any right already existing or accrued, or any liability incurred by reason of any violation of law now or heretofore existing or any suit or proceeding already instituted or action had under said laws or ordinances, unless otherwise provided in this act.

§ 21. This act shall take effect immediately.

Chap. 372.

AN ACT to amend sections eight and sixty-two of the state finance law, in relation to security from banks designated as depositories of state moneys.

Became a law, May 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of article one of chapter four hundred thirteen of the laws of eighteen hundred ninety-seven, entitled "An act relating to state finance, constituting chapter ten of the general laws," is hereby amended to read as follows:

§ 8. Deposit in banks.—The state treasurer shall deposit all moneys received by him on account of the state, except such as belong to the canal fund, within three days after receiving the same, in such banks in the cities of the state, as in the opinion of the comptroller and treasurer are secure and pay the highest rate of interest to the state for such deposits. The moneys so deposited shall be placed to the account of the treasurer. He shall keep a bankbook in which shall be entered his account of

deposit in and moneys drawn from the banks in which deposits are made by him, which he shall exhibit to the comptroller for his inspection on the first Tuesday of every month and oftener if required. The treasurer shall not draw any moneys from such banks unless by checks subscribed by him as treasurer and countersigned by the comptroller, unless otherwise provided by law. No moneys shall be paid by any such bank out of any such deposit except upon such checks. Every such bank shall transmit to the comptroller monthly statements of all moneys received and paid by it on account of the treasurer. Banks designated for the deposit of state moneys under the provisions of this section shall before deposits are made severally execute and file with the treasurer a bond to the state in such form and with such surety or sureties for such sum as may be prescribed and approved by the treasurer and comptroller, for the safe keeping and prompt payment of such moneys on legal demand therefor with interest at the rate agreed upon, or may in lieu of such surety bond deposit with the comptroller outstanding unmatured bonds issued by the state of New York for which the treasurer and comptroller shall deliver a certificate of deposit containing the conditions of said surety bond. On the withdrawal of all moneys from any depository and a closing and settlement of the account thereof, the treasurer and comptroller may in their discretion certify to such settlement and direct the surrender of such surety bond or deposit to the obligors or owner entitled thereto.

§ 2. Section sixty-two of article three of such act is hereby amended to read as follows:

§ 62. Deposit of funds.—The commissioners of the canal fund may deposit the moneys belonging to such fund, or the canal debt sinking fund, with any safe incorporated moneyed institution or banking association in this state, and may make such contracts therewith for the interest on and the duration of such deposits as will best promote the interest of the funds. They may require security for the deposit of such moneys by surety undertaking or a deposit of bonds issued by the state of New York in the same manner as is provided by section eight of article one of the finance law from depositories of other state moneys.

§ 3. This act shall take effect immediately.

Chap. 373.

AN ACT to amend section ten of the Greater New York charter, in relation to the powers of the board of estimate and apportionment.

Accepted by the city.

Became a law, May 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section ten of the Greater New York charter, as re-enacted by chapter four hundred sixty-six of the laws of nineteen hundred and one as amended by chapter four hundred thirty-six of the laws of nineteen hundred two, is hereby amended so as to read as follows:

Preparation of budget.

§ 10. In the year eighteen hundred and ninety-seven it shall be the duty of the proper authorities of the various municipal and public corporations consolidated by this act into the City of New York, to prepare a budget for the year eighteen hundred and ninety-eight, as required by existing law, and to levy taxes for the year eighteen hundred and ninety-eight in the year eighteen hundred and ninety-seven, as required by existing law, as though such municipal and public corporations were not to be consolidated in the City of New York; and in so far as such taxes shall remain uncollected on the first day of January, eighteen hundred and ninety-eight, they shall become valid liens due to the corporation by this act constituted, and shall be collected by it through the appropriate officers of the City of New York, as hereby constituted, pursuant in all respects to the laws under which said taxes were levied and were to be collected. On and after January first, eighteen hundred and ninety-eight, the funds received by the chamberlain of the City of New York, under this act, and the proceeds of revenue bonds issued in anticipation of the taxes for the year eighteen hundred and ninety-eight in the City of New York, as constituted prior to the passage of this act, and the proceeds of the tax levy therein of the year eighteen hundred and ninety-eight, may be used for the expenses of the City of New York, as constituted by this act, in such manner as the board of estimate and apportionment for that year may determine; and it shall be the duty of the board of estimate and apportionment

Unpaid taxes to become liens.

to apportion the said funds to the various city departments as created by this act, so that such funds shall be used as nearly as may be, for the objects for which they were raised. The board of estimate and apportionment, during the year eighteen hundred and ninety-eight shall have power to direct the issue of revenue bonds of the City of New York, to be redeemed out of the tax to be paid in the year eighteen hundred and ninety-nine, for such purposes and in such amounts as may be necessary to provide for the efficient conduct of the city in all its departments, during the year eighteen hundred and ninety-eight, provided that the sums so raised in the year eighteen hundred and ninety-eight shall be subject to be raised by taxation upon the various boroughs on the basis elsewhere provided in this act. Between January first and May first in the year nineteen hundred and two the board of estimate and apportionment shall have power from time to time to alter, modify and amend the budget for the year nineteen hundred and two; to change the titles, terms and conditions of appropriations contained therein; to add new appropriations and abolish any that may be found unnecessary; and also upon the recommendation of the mayor or any borough president or head of any department, bureau, office, board or commission of the City of New York or of any of the counties embraced therein, to fix salaries in any of said offices, departments, bureaus, boards or commissions; and in furtherance of these purposes or any of them shall have the power, if additional funds be required, to direct the comptroller to issue special revenue bonds redeemable from the tax levy of the year nineteen hundred and three. Between January first and May fifteenth in the year nineteen hundred and five, the board of estimate and apportionment shall have power to alter, modify and amend the budget for the year nineteen hundred and five by eliminating therefrom the appropriation contained in said budget under the title "fund for street and park openings."

Apportionment of funds to departments.

Modification of budget, new appropriations.

§ 2. This act shall take effect immediately.

Chap. 374.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," so as to relieve the annual tax levy from the burden of collecting delinquent taxes, reimburse the city for advances against assessments; and to regulate and legalize tax notices.

Accepted by the city.

Became a law, May 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-five of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by section fourteen of chapter six hundred and ninety-two of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

§ 155. The common council may issue bonds of the city, to be known as "redemption bonds," to the amount of purchase money of the several lots and parcels of land purchased for the city. Such bonds shall be issued from time to time, in such denominations, bear such interest not exceeding the legal rate and mature at such times, not exceeding six years from their date, as the common council shall determine. They shall be sold for not less than their par value, or temporary loans may be obtained upon the same, and the proceeds thereof shall be used exclusively for payment of such purchase money. All moneys received from the redemption of lands or the assignment or sale of certificates of sale, or leases of land purchased for the city, and any other revenue derived by the city from such lands shall be held and applied exclusively for the payment of the expenses of tax sales and redemption notices and such redemption bonds. If the money so received shall not be sufficient to pay such redemption bonds, as they become due, the common council may issue additional bonds equal to the amount of deficiency existing between the money so received and the amount of such bonds so maturing.

Redemption
bonds,
issue,
terms and
sale of.

§ 2. Section one hundred and ninety-five of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," is hereby amended so as to read as follows:

§ 195. It shall be the duty of the owners and occupants of ^{Repair of} lands fronting on any of the streets or highways to construct, ^{sidewalks.} relay, and keep in repair the sidewalks in front of their respective lots, in such manner and at such times and of such material, as the common council may direct, after notice shall have been served on the occupant of the premises; personally if occupied—if unoccupied, by publication in the official city newspapers once a week for two successive weeks. If any such owner or occupant shall neglect for thirty days after such notice to construct, relay, or repair such sidewalks as required in such notice, the common council may cause such sidewalks to be so constructed, relaid, or repaired, and such lots shall be charged with the expense thereof, and the same after being allowed, assessed and confirmed by the common council shall, thereupon be a lien and assessment to that amount upon each lot, and be deemed an assessment under this title.

§ 3. Section one hundred and ninety-seven of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon, as amended by section twenty-one of chapter six hundred and ninety-two of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

§ 197. The common council may require the owner of any lot ^{Excavating,} of land to excavate, drain, fence, or fill in the same within such ^{drainage} time and in such manner as it may prescribe, when it may deem ^{and filling} necessary for the health or safety of the public. In case any ^{in lots,} such owner shall neglect to fence, drain or fill in such lot in the manner and within the time so required, after having given thirty days previous notice to such owner or owners of its intention so to do, the common council may cause such work to be done and the expense thereof, upon being audited, assessed and confirmed by the common council, shall be a first lien upon such lot, and be deemed an assessment under this title. The notice above provided for shall be given as prescribed in section one hundred and ninety-five of this title as hereby amended.

§ 4. Section two hundred and one of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by section twenty-two of chapter six hundred and ninety-two of the laws of eighteen hundred and ninety-six is hereby amended so as to read as follows:

Report of
receiver of
taxes and
assess-
ments of
assess-
ments
received.

Issue of
assess-
ment bonds
authorized.

§ 201. The receiver of taxes and assessments shall, at the expiration of one month from receipt by him of a warrant for the collection of any assessment under this title report to the common council the amount of such assessments received by him under such warrant within such month, and the common council may thereupon issue bonds of the city, to be known as "assessment bonds," to the amount of such assessments then remaining unpaid. Such bonds shall be signed by the mayor and city clerk, to be of such denomination, bear such interest not exceeding the legal rate, and mature at such times not exceeding six years from their date, as the common council shall prescribe. The common council may convert such bonds into money at not less than their par value or obtain loans upon the same, and the proceeds thereof shall be applied only for the purpose for which the assessments so reported unpaid were laid, and the expenses of assessment sales and redemption notices; but nothing in the act hereby amended or in any act amendatory thereof or supplementary thereto shall be construed to prevent the reimbursement to the city of Mount Vernon of any sums by it advanced in anticipation of such bond issue. And all moneys received from such assessments, or from the sale of land for the non-payment of such assessments, after the issue of such bonds shall be held and used exclusively for the payment of such assessments, bonds or loans obtained thereon, and the expenses aforesaid. If the money so received shall not be sufficient to pay such bonds as they become due the common council may, from time to time issue additional assessment bonds, equal to the amount of deficiency existing between the moneys so received and the amount of such bonds maturing; provided, however that the time of payment of any such assessment bonds shall not extend beyond two months after the time within which lands must be sold for the non-payment of the assessments in the respective proceedings for which the said bonds were issued.

Publication
of notice
heretofore
begun.

§ 5. The publication of any notice heretofore begun or made in conformity with section one hundred and ninety-five of chapter

one hundred and eighty-two of the act hereby amended as so amended, shall be sufficient to all intents and purposes, as if such publication had been made in accordance with said section as it read before such amendment.

§ 6. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 375.

AN ACT to amend chapter four of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the Roosevelt hospital in the city of New York," in relation to the election of additional trustees and the filling of vacancies.

Accepted by the city.

Became a law, May 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the Roosevelt hospital in the city of New York," is hereby amended by inserting therein a new section to be section one-a thereof and to read as follows:

§ 1-a. The present trustees of the Roosevelt hospital or a majority of them, shall forthwith elect two male, native-born, citizens, resident in the city of New York, as trustees, in addition to the nine named in the first section of this act, and the eleven trustees and their successors shall be the body corporate by the name of and known as the Roosevelt hospital.

§ 2. Section three of such chapter is hereby amended to read as follows:

§ 3. The direction and management of the affairs of said corporation, and the control and disposal of its property and funds, shall be vested in said trustees and their successors. In case of any vacancy from death, resignation, or otherwise of any of the six individual trustees, or their successors, then and in every such case, the vacancy so occurring shall be supplied by the surviving or remaining trustees, from male native born citizens then resident in the city of New York. The property, real and personal,

Additional
trustees,
qualifica-
tions of.

Trustees to
have man-
agement of
affairs and
control
property.

of said corporation, shall be exempt from taxation, and shall be entitled to the benefit of the provisions of law relating to charitable institutions.

§ 3. This act shall take effect immediately.

Chap. 376.

AN ACT to authorize the city of Olean to acquire the Oak Lawn cemetery, and other lands, for the establishment of a public park, to provide for the removal of remains in such cemetery, and the reinterment thereof, and to authorize the issue of bonds for the purposes of the act.

Accepted by the city.

Became a law, May 5, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The old cemetery in the city of Olean, known as Oak Lawn cemetery, and delineated on the map of the village of Olean made by T. J. Gosseline, esquire, and filed in the office of the clerk of Cattaraugus county in the year eighteen hundred and thirty-six, and also delineated on the map of the said village made by Nicholas VanWickle and filed in said county clerk's office; and which is bounded east by Fourth street; north by Washington street; west by Fifth street and south by Putnam street, as said streets are delineated on said Gosseline map, together with the additions made thereto for cemetery purposes and known as the Whitney and Oosterhoudt additions respectively, having ceased to be used for burial purposes and having become dangerous to public health by reason of the growth of said city and the building of dwelling houses in the immediate vicinity, the burial of the dead in said cemetery and in said additions thereto are hereafter prohibited.

§ 2. The board of park commissioners of the city of Olean are hereby created commissioners for the purpose of acquiring the title to and taking possession of said old cemetery and said additions thereto for said city of Olean for the purpose of converting the same, together with such other lands as they shall acquire

Burial of
dead in
Oak Lawn
cemetery
prohibited.

Acquisi-
tion of
old ceme-
tery for
park
purposes.

for that purpose in the manner hereinafter specified, into a public park for said city; and for the purpose of exhuming and removing from said old cemetery and additions the human remains now interred therein and reintering the same in some other suitable place to be obtained by them.

§ 3. Said park commissioners are hereby authorized and empowered to take and acquire by gift or purchase and conveyance the fee or reversionary estate in the lands embraced in said old cemetery and in said additions thereto and are also hereby authorized and empowered to take the same by condemnation in the manner hereinafter specified for the purpose of converting the same into a public park of said city.

§ 4. At any time after this act takes effect said park commissioners may present to the county court of Cattaraugus county their petition praying for the appointment of three commissioners to appraise the damages for the taking of the fee or reversionary estate in the lands embraced in said old cemetery and in said additions thereto, after having first given notice thereof and of the time and place at which the same will be so presented by publication thereof in a newspaper published in said city once a week for six successive weeks prior to the presenting of said petition.

§ 5. Upon the presentation of such petition with due proof of publication of notice of such application in the manner aforesaid, the county court shall appoint three reputable free-holders, who shall be residents of said city and not interested in the lands to be taken, who shall inquire into and determine what damages, if any, the owner or owners of the fee or reversionary estate in the lands embraced in said old cemetery and in said additions will sustain by reason of the taking thereof.

§ 6. Before entering upon the duties of their office, the said commissioners so appointed by the county court as aforesaid, shall take and subscribe the constitutional oath of office and file the same in the office of the clerk of Cattaraugus county; they shall appoint a time and place for a hearing and serve ten days' notice thereof upon the board of park commissioners by filing the same in the office of the city clerk of said city and shall also publish notice thereof in a daily newspaper published in said city for ten consecutive issues of such newspaper. They shall meet at the time and place so appointed and may adjourn from

Lands of cemetery may be acquired by condemnation.

Appraisal of damages, petitions for appointment of commissioners.

Appointment and qualifications of commissioners.

Commissioners to take oath of office; hearings.

time to time. They shall personally examine the lands, the compensation for which is to be determined by them, and may take testimony in relation thereto. They shall keep minutes of their proceedings and reduce to writing all evidence taken before them. They shall make and return to the county court of Cattaraugus county their report and award together with their proceedings, which shall be signed by the commissioners or a majority of them.

Report of commissioners; award of damages.

§ 7. In case said commissioners shall determine that the owner or owners of any lot or lots in either of the said additions to said old cemetery are the owners of the fee in said lot or lots, they shall so find and report and shall award the damages sustained by such owner or owners of such lot or lots, and the park commissioners shall not pay such damages to such owner or owners of lots who shall be determined to own the fee in their respective lots, but said damages shall be retained by the park commissioners. Said park commissioners shall serve notice upon such owner or owners of lots to whom damages shall be awarded as provided in this section by publication thereof in a daily newspaper published in said city for ten consecutive issues of such newspaper, requiring such owner or owners of lots to exhume and remove the human remains interred therein and all monuments, stones and marks of burial within thirty days after the last publication of said notice; and in case such remains and monuments, stones and marks of burial be not removed within such time then the same shall be removed and reinterred and reset respectively in the same manner as is provided in section nine of this act, by said park commissioners, and the expenses incurred by them in making such removals and reinterments, in providing a place or places of reinterment and in resetting such monuments, stones and marks of burial shall be deducted from and paid out of the amount of damages awarded to such owner or owners of said lot or lots and retained by said park commissioners for that purpose and only the remainder, if any, of the sum or sums so awarded shall be paid to the owner or owners of such lot or lots respectively.

Notice to lot owners to remove remains and monuments.

Confirmation of report.

§ 8. Upon presentation report and award the county court may confirm the same, or may vacate the same and order a new appraisal and appoint new commissioners to make the same. If said report and award be confirmed the order of confirmation shall be deemed a final order in a special proceeding in said court.

§ 9. If said report and award be confirmed the sum or sums ^{Payment of sums awarded.} thereby awarded to the owner or owners of the fee or reversionary estate in the lands so taken shall be paid by said board of park commissioners to such owner or owners if they can be found with due diligence, if not the said board of park commissioners shall pay the sum or sums so awarded into the county court for the benefit of the owner or owners.

§ 10. The title to the lands taken as prescribed in this act or ^{Title to lands to vest in city.} acquired by purchase shall vest in the city of Olean and said city shall, upon payment of the award or awards therefor, be discharged of and from any and all liability by reason of the appropriation and use of such lands.

§ 11. After paying the said sum or sums so awarded to the ^{Removal and reinterment of remains by park commissioners.} owner or owners of the fee or reversionary estate in the lands so taken as aforesaid, said park commissioners shall proceed to exhume and remove the human remains interred in said old cemetery and in such additions thereto, together with all monuments, slabs, stones and other marks of burial places and shall re-inter said remains in some suitable place to be obtained by them for that purpose in a cemetery situated in the town of Olean. Said remains shall be separately reinterred and all monuments, stones, slabs, and other marks designating places of burial shall be reset in proper place so as to preserve the identity of the respective remains. If there be no monument or mark at the place from which such remains shall be so removed said park commissioners shall make a plot or diagram of said old cemetery and additions, shall provide suitable markers with numbers thereon, shall set a marker at the place of reinterment of each body and shall enter the number of such marker upon the plot of said old cemetery and additions at the place from which said remains were removed. Said plot or diagram shall be filed in the office of the city clerk of said city and there remain as one of the records of said city.

§ 12. Said board of park commissioners are hereby authorized ^{Acquisition of other lands for park purposes authorized} and empowered to take and acquire by gift, devise or purchase any other lands outside said old cemetery and additions and lying east of Sixth street, south of Washington street and north of Putnam street in said city, which they shall deem expedient for the purposes of a public park in connection with the lands acquired by them in the manner hereinbefore specified, and may take and acquire the same by condemnation in the same manner

and by the same proceedings as the common council in acquiring lands for street purposes, except that when said commissioners shall decide by resolution that any such lands, within the limits in this section prescribed, ought to be taken for the purposes aforesaid, they may apply thereupon to the county court of Cattaraugus county for the appointment of commissioners to assess the damages sustained by reason of the taking of such lands and no hearing shall be required to be held by them for the purpose of hearing objections to the taking of such lands. The title to such lands when acquired by virtue of this section shall vest in the city of Olean in fee simple absolute.

Park commissioners may file offer to purchase lots or lands at specified price.

§ 13. In all cases under sections seven and twelve of this act where the owner or owners of the lands to be taken is a resident and not under legal disability to convey the title to real property, the park commissioners may, when they apply to the county court for the appointment of commissioners to assess damages, or at any time thereafter and before the making of the report and award of damages, make and file with the county clerk of Cattaraugus county a written offer to purchase any of such lots or lands at a specified price. The owner of such lot or lands may within ten days after the filing of such offer and service of a copy thereof upon him, or, if he has appeared in such proceedings by an agent or attorney, within ten days after service of a copy of such offer to purchase upon such agent or attorney, serve upon the park commissioners notice in writing of his acceptance of such offer which shall be signed and acknowledged by such owner, and thereupon, upon filing the application of the park commissioners for the appointment of commissioners to assess damages, together with proof of the making of the offer and its acceptance, the park commissioners may enter an order that upon payment of the compensation agreed upon they may take and hold such lot or lands as in this act provided and enter into possession thereof. If the offer is not accepted and the compensation awarded by the commissioners appointed to assess the damages does not exceed the amount of the offer no costs of said proceedings after the making of the offer shall be allowed to such owner.

City may issue bonds to pay damages awarded.

§ 14. The city of Olean is hereby authorized and empowered to issue its bonds for the purpose of paying such damages as may be awarded, both to the owners of the fee or reversionary estate in said old cemetery and additions thereto and also to the

owner of any lot or lots in said cemetery and additions who shall be determined to own the fee in his lot, and also to the owners of such other lands as may be taken and acquired under this act, or the purchase price or agreed compensation for any of said lands or estates therein if acquired by purchase or offer and acceptance; and also the expenses of the said board of park commissioners in exhuming, removing and reinterring the human remains; in removing and resetting the monuments, stones, slabs and marks of burial and preserving the identity of the remains removed; in acquiring a suitable place or places for reinterment; their expenses in acquiring the lands taken and acquired by them under the provisions of this act; and the expenses incurred by them in grading, improving and ornamenting said lands, when so acquired, as a public park.

§ 15. Said bonds shall be issued in an amount not exceeding, in the aggregate, the sum of thirty-five thousand dollars; and in such denominations and payable at such times, not exceeding twenty years from the date of issue, as the common council shall prescribe; shall bear interest at not to exceed the rate of four per centum per annum and shall be sold for not less than par value. They shall be signed by the mayor and treasurer of said city and countersigned by the clerk.

Bonds,
amount
and terms
of.

§ 16. Said bonds shall be disposed of by the treasurer of said city in such amounts as, from time to time during the progress of the work of said park commissioners under this act, said commissioners shall certify to be necessary to pay the damages and expenses to which the same are applicable. Not less than five thousand dollars in amount shall be sold at any one time, and the sale thereof shall be to the highest bidder after publishing notice of the time and place of such sale in a daily newspaper published in said city for ten consecutive issues of such newspaper prior to such sale.

Sale of
bonds.

§ 17. The proceeds of the sale of said bonds shall be paid by the treasurer of said city to the park commissioners.

§ 18. The park commissioners shall give such additional bond to the city of Olean in such penalty as the common council shall prescribe, to be approved by the common council and conditioned to account for and pay over all moneys received by them derived from the sale of the bonds of said city in this act authorized to be issued and sold, and such additional bonds shall be given by

Park
commis-
sioners to
give addi-
tional
bonds.

said park commissioners and approved before they shall receive any of the moneys derived from the sale of said bonds in this act authorized to be issued and sold.

§ 19. This act shall take effect immediately.

Chap. 377.

AN ACT to amend chapter two hundred and thirty-five of the laws of nineteen hundred and four, entitled "An act to validate the record of certain deeds and other instruments affecting the title to real estate," in relation to the officers taking the acknowledgment or proof.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and thirty-five of the laws of nineteen hundred and four, entitled "An act to validate the record of certain deeds and other instruments affecting the title to real estate," is hereby amended to read as follows:

§ 1. The record made prior to January first, nineteen hundred, in the county clerk's office of any county in this state of any deed or mortgage or of any assignment or satisfaction piece of a mortgage otherwise authorized to be recorded therein when the acknowledgment or proof was taken in another county, notwithstanding the failure to append thereto a certificate as to the authority of the notary public, or other officer, who took the acknowledgment or proof, to take the same, shall be in all respects as valid and effectual as though such certificate had been appended to such instrument. Provided only that the notary public, or other officer, was duly authorized at the time of taking the proof or acknowledgment to take the same in the county where the instrument is recorded and in the county where the same was taken, but this act shall not affect any pending action or proceeding.

§ 2. This act shall take effect immediately.

Acknowledgments of certain instruments taken in other counties validated.

Chap. 378.

AN ACT to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four, entitled, as amended, "An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau," by exempting certain roads from certain of the provisions thereof.

Became a law, May 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four, entitled "An act for the preservation of macadamized and other public highways in Queens county," the title of which said chapter was amended by chapter one hundred and four of the laws of nineteen hundred to read "An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau," is hereby amended to read as follows:

§ 1. No street surface railroad, or railroad of any kind, shall be constructed upon any macadamized public highway in any town in Queens county or in Nassau county without a vote of a majority of the electors of such town being cast in favor thereof at an annual town meeting. All ballots used at any election submitting to the electors of a town the question of constructing a street surface railroad, or railroad of any kind upon a macadamized highway, shall plainly designate the highway upon which it is proposed to construct such railroad. In no event shall any railroad be constructed upon any macadamized public highway in any town in Queens county or Nassau county other than on the sides thereof, and in such manner as not to interfere with the macadamized roadbed, except upon Main street or Landing road from the harbor to John street; and also Cottage Row from the Landing road at Beach's corner to School street; and also School street from Cottage Row to Glen street; and also the new southern extension of School street from Glen street to Continental place; and also Glen street from School street to the Long Island railroad; and also the Cedar swamp road from Glen street at the Long Island railroad to Sea Cliff avenue; all in Glen Cove in the

Construction of street railways upon macadamized public highways.

town of Oyster Bay, Nassau county. The consent of the majority of the electors as herein provided shall be in addition to the requirements of the general railroad act of the state.

§ 2. This act shall take effect immediately.

Chap. 379.

AN ACT to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-eight entitled "An act to incorporate Post James M. Brown Memorial Hall Association, and to create a trust for the disposition of its funds and property," relative to the name of such corporation and the use and final disposition of its funds.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate Post James M. Brown Memorial Hall Association, and to create a trust for the disposition of its funds and property," is hereby amended to read as follows:

§ 1. The members in good standing of the James M. Brown Post, Grand Army of the Republic Number two hundred and eighty-five, Department of the State of New York, located in the city of Jamestown, Chautauqua county, New York, and such other persons as shall be duly elected members of said post and shall qualify according to the rules and regulations of the Grand Army of the Republic, shall be and are hereby constituted and created in fact and in name a body politic and corporate, by the name, James M. Brown post, number two hundred and eighty-five.

§ 2. Section two of such act, as amended by chapter four hundred and fifty-two of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 2. Said corporation shall have full power to purchase, hold and take by gift, devise and bequest, real and personal property; to sell, convey, transfer, lease, let and mortgage, real estate; to loan, borrow, sell and deliver personal property; to have a corporate seal and at pleasure to alter and change the same; to sue and

Name of
corporation.

Power.

be sued by its corporate name in any of the courts of this state, and to institute legal or special proceedings in any of said courts; to make by-laws and rules, consistent with the general laws of this state and the objects of this act, for the government of said corporation, its officers, servants, agents, and its control, and the management of its affairs, business and property, and from time to time to change the same. All property, real and personal of whatever kind, now possessed of by Post James M. Brown Memorial Hall Association, shall by the passing of this act, become the property of the said James M. Brown post, number two hundred and eighty-five, and the same shall become a trust or relief fund, to be used and expended as the post may direct, for the benefit of its members in good standing, under regulations provided for in its by-laws. Trust or relief fund.

§ 3. Sections three, four, five, six and seven of such act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 380.

AN ACT relating to the operations of the United States coast and geodetic survey in the state of New York.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any person employed under and by virtue of an act of congress of the United States, passed the tenth day of February, one thousand eight hundred and seven, and of the supplements thereto, may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying and doing any other act which may be necessary to carry out the objects of said laws, and may erect any works, stations, buildings and appendages requisite for that purpose, doing no unnecessary injury thereby. Persons engaged in surveying for the United States authorized to erect stations, etc.

§ 2. If the parties interested can not agree upon the amount to be paid for damages caused thereby, either of them may petition the supreme court in the county in which the land is situated, which court shall appoint a time for a hearing as soon Assessment of damages.

as may be, and order at least fourteen days' notice to be given to all parties interested and with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages.

Tender. § 3. The person so entering upon land may tender to the party injured amends therefor, and if in case of appeal to the supreme court the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs, otherwise the prevailing party shall recover costs.

Costs. § 4. The costs to be allowed in all such cases shall be the same as allowed according to rules by the court.

Penalty for wilfully defacing or injuring signal, monument, etc., of United States. § 5. If any person shall wilfully deface, injure, or remove any signal, monument, building, or other property of the United States coast and geodetic survey, constructed or used under or by virtue of the acts of congress aforesaid, he shall forfeit a sum not exceeding fifty dollars for each offense, and shall be liable for damages sustained by the United States in consequence of such defacing, injury or removal, to be recovered in an action on the case in any court of competent jurisdiction.

§ 6. This act shall take effect immediately.

Chap. 381.

AN ACT to amend section eight of chapter one hundred and forty-six of the laws of eighteen hundred and fifty-six, entitled "An act authorizing the construction of a bridge across the Hudson river at Albany."

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter one hundred and forty-six of the laws of eighteen hundred and fifty-six, entitled "An act authorizing the construction of a bridge over the Hudson river at Albany," is hereby amended so as to read as follows:

§ 8. The bridge across the Hudson river, which the said corporation are hereby authorized to erect, shall be constructed at an elevation at least twenty feet above common tide water, so as to allow under it the free passages of canal boats and barges

Construction and operation of bridge.

without masts, and with a draw therein of sufficient width to admit the free passage of the largest vessels navigating the said river, and at least two hundred feet in width, or of two draws of at least one hundred and fifty feet each, which draws shall not be obstructed by piers or otherwise, and in such a manner as to cause no substantial impediment or obstruction to the free navigation of the said river. And the said corporation hereby created, shall at all times during the season of navigation, cause the said draw to be opened, and kept open, except for the passage of railroad trains of cars, and shut whenever the same may be necessary, and boats or vessels wishing to pass such draw, shall at all times have a preference over railroad trains of cars and engines, and such draw shall be promptly opened to any such boat or vessel on signal, if given before any railroad train or engine shall have appeared and given signal of their intention to pass; and for any unnecessary delay or refusal in opening and shutting the said draw, the said corporation shall be liable to pay treble damages to any party aggrieved thereby. From sundown to sunrise, during the season of navigation, suitable lights shall be maintained upon such bridge, to guide vessels approaching the draws, and the said company shall be liable to pay owners of any steamboats or vessels, or of the cargo thereof, all damages which they may sustain by reason of any neglect of the provisions of this section.

§ 2. This act shall take effect immediately.

Chap. 382.

AN ACT to amend chapter seven hundred and ninety-five of the laws of eighteen hundred and ninety-six entitled "An act in relation to the state dams on the Beaver and Moose rivers," in relation to the commissioners appointed thereby.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section one of chapter seven hundred and ninety-five of the laws of eighteen hundred and ninety-six, entitled, "An

act in relation to the state dams of the Beaver and Moose rivers," is hereby amended to read as follows:

Commissioners, appointment, qualifications of, etc.

§ 1. The governor is authorized to appoint from time to time, and at his pleasure remove two citizens of Jefferson county and one from Lewis county, interested in the use and owners of water power on the Black river, Beaver river or Moose river, in such counties, to be commissioners of water power on Black river. The superintendent of public works shall also be a commissioner by virtue of his office. Such commissioners shall not receive compensation for their services. Such commissioners are authorized to appoint one gatekeeper for the state dam at Stillwater, on the Beaver river, and one gatekeeper for the dams constructed by the state on the Fulton chain of lakes and Moose river. Such commissioners are authorized to make rules and regulations for the management of the gates in said dams subject to the approval of the superintendent of public works. It shall be the duty of each gatekeeper to observe and obey all rules and regulations so made and approved. The gatekeepers shall receive such compensation as may be fixed by the commissioners, but not more than eleven hundred dollars shall be paid in all as the compensation of both said keepers in any one year, such compensation to be paid in monthly installments by the treasurer upon the warrant of the comptroller issued upon the order of the superintendent of public works. Such commissioners shall have all the rights and authority of such gatekeepers and are authorized to regulate the discharge of water through such gates at such times and in such quantities as they may deem proper, but not in such manner as to injuriously interfere with canal navigation or the navigation of that portion of the Black river used for canal purposes.

Gatekeepers, appointment and compensation of.

§ 2. This act shall take effect immediately.

Chap. 383.

AN ACT to amend chapter two hundred and forty-three of the laws of eighteen hundred and fifty-three, entitled "An act to incorporate the DeVeaux college for orphan and destitute children."

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and forty-three of the laws of eighteen hundred and fifty-three, entitled "An act to incorporate the DeVeaux college for orphan and destitute children," is hereby amended so as to read as follows:

§ 1. In order to carry into effect and to promote the benevolent design of Samuel DeVeaux, late of the county of Niagara, deceased, as expressed in his will bearing date the third day of August, in the year one thousand eight hundred and fifty-two, by which certain real and personal estate is directed to be applied "for the purpose of establishing, founding and maintaining a benevolent institution, to receive and support orphan and destitute children; to train them up to industry; to learn them trades and professions, and to give them a mental and manual, and a social and religious education;" William H. DeLancey, of the county of Ontario; William Shelton and Elijah Ford, of the county of Erie; Horatio Seymour, of the county of Oneida; Peter A. Porter, Richard H. Woodruff, Washington Hunt, Elias Ransom and Joseph M. Clarke, of the county of Niagara, and their successors duly chosen and appointed as hereinafter specified, are hereby constituted a body corporate, which shall be deemed and taken to be the corporation directed by the said will to be formed, and as such shall and may take, hold and enjoy for the purposes expressed in the said will and no other, the real and personal estate therein directed to be applied to the said purposes, as fully to all intents and purposes, as if the said corporation had been formed at the time of the death of the said Samuel DeVeaux. The said corporation shall have perpetual succession, and be capable of taking and holding by purchase, gift, grant or devise, any real

or personal estate for the purposes aforesaid; but the yearly income of the same and of the property so acquired under the said will, shall not exceed the sum of twenty-five thousand dollars; and shall possess the powers and privileges, and be subject to the liabilities and provisions contained in the third title, of chapter eighteen, of the first part of the revised statutes as the same may have been amended, so far as the same may be applicable, and not inconsistent with the provisions of this act.

§ 2. This act shall take effect immediately.

Chap. 384.

AN ACT to amend section one of chapter five hundred and ninety-seven of the laws of nineteen hundred and two entitled: "An act authorizing the appointment of a confidential attendant by the justices of the supreme court designated to the appellate division of the second department or a majority of them."

Became a law, May 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and ninety-seven of the laws of nineteen hundred and two, entitled: "An act authorizing the appointment of a confidential attendant by the justices of the supreme court designated to the appellate division of the second department or a majority of them" is hereby amended to read as follows:

§ 1. The justices of the supreme court designated to the appellate division of the second department, or a majority of them, may appoint, and at pleasure remove, two confidential attendants and their successors, each appointment to be made by an instrument in writing signed by such justices or a majority of them and to be filed in the office of the secretary of state. Each of such attendants shall receive an annual salary of eighteen hundred dollars. The comptroller of the state shall cause the salary of each of such confidential attendants to be paid to him in equal quarterly instalments, and shall annually apportion

Confiden-
tial at-
tendants,
appoint-
ment and
compen-
sation of.

the amount of such salaries among the counties of the second judicial department, in proportion to the taxable property of such counties respectively, according to the last assessment roll thereof. The amount so apportioned to each county shall be a county charge, and the county treasurer upon receipt thereof shall pay over the same to the comptroller of the state.

§ 2. This act shall take effect immediately.

Chap. 385.

AN ACT extending the powers of the trustees of the Thousand Island park association, and to regulate and control the construction and repair of sidewalks upon the roads, streets and avenues of said association.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Ordinance for construction or repair of sidewalk.—The Thousand Island park association, organized under the laws of the state of New York, and now owning and conducting the Thousand Island park, a place of summer residence and resort upon Wellesly island, one of the Thousand Islands in the Saint Lawrence river, in the town of Orleans, Jefferson county, is hereby authorized and empowered through its board of trustees, by ordinance, to regulate and require the construction, relaying, repairing and keeping in repair of all sidewalks upon the streets, highways and avenues within the limits of the grounds of said association, at the expense of those holding leases from said association for lots fronting such streets, roads and avenues, or their heirs, legal representatives, or assigns.

§ 2. Notice of proposed adoption of ordinance; service.—Said board of trustees shall cause written or printed notice of the proposed adoption of such ordinances to be served upon the lessees of all lots affected thereby, their heirs, legal representatives or assigns, by depositing, copies of such notice in the postoffice, with full letter postage prepaid thereon, directed to such lessee, their heirs, legal representatives or assigns, at their postoffice address in all cases where such postoffice address shall be known,

at least twenty days before the adoption thereof. If such post-office address shall be unknown to said board of trustees, notice of such proposed ordinance shall be conspicuously posted upon the lot or premises affected thereby, at least twenty days before the adoption of such ordinance. If such premises shall be occupied by the lessee thereof in person a copy of such notice shall be personally served upon such lessee, or by leaving the same with some member of his family at least ten days before the adoption thereof, in which event such service shall be a sufficient compliance with the provisions of this section as to service of notice. Such notice shall state the dimensions of the sidewalk proposed to be constructed, the nature of the repairs proposed, and also the kind and quality of the material intended to be used in the construction, repair or relaying of such sidewalk. It shall also state the time and place at which said proposed ordinance will be considered by said board.

§ 3. Ordinance directing performance of work; service.—Such ordinance when adopted shall specify the time within which the work therein required shall be performed, which shall not be less than twenty days from the service of the same, the dimensions of the proposed sidewalk, the repairs directed to be made in any existing walk, and the kind and quality of material to be used in such construction or repairs. A copy of such ordinance so adopted by said board shall be served upon the person holding a lease of said lot or premises from said association, their heirs or legal representatives, or assigns in the same manner as a notice of the proposed adoption of ordinance, as provided in section two of this act.

§ 4. Assessment of expense; lien.—If any such lessee, his heirs, legal representatives or assigns, shall not construct or repair such sidewalk, as required in said ordinance the board of trustees may cause the same to be constructed or repaired and assess the expense thereof upon the adjoining lot. Whenever any expenditures are incurred by said board of trustees, in accordance with the provision of this act, they shall cause to be served a notice upon said lessee, his heirs, legal representatives or assigns, in front of whose lot said walk shall have been constructed or repaired, stating that said expense has been incurred, its purpose and amount, and that at a specified time and place not less than ten days after the service of the notice herein required said

board will meet to hear and determine all objections that may be made thereto and to make an assessment of such expenditure upon such lot. Such notice shall be served in the same manner as is required by section two of this act. The board of trustees shall meet at the time and place specified in said notice. It shall hear and determine all objections that may be made by any such lessee to such assessment, including the amount thereof, and shall assess upon the lot the amount which it may deem just and reasonable, not exceeding in case of default the amount stated in said notice. Within thirty days after such hearing, said board shall file in the office of the clerk of the county of Jefferson, a copy of its resolution making such assessment, certified by its secretary. Such resolution shall designate such lot by its number, as designated upon the original map of the grounds of such association on file in said office, the name of the lessee thereof and the amount of such assessment. Thereupon such assessment shall be a permanent lien upon the lot therein described and shall be prior and superior to every other lien or claim, except the lien of an existing tax or assessment or mortgage upon the property improved or benefited from the date of the final determination of the amount thereof by said board until it is paid or otherwise satisfied or discharged. A copy of said resolution shall also be entered upon the minutes of said board.

§ 5. Sale for unpaid assessments.—If an assessment shall remain unpaid to the corporation for thirty days after the filing of said resolution in the county clerk's office as aforesaid, the said association may cause the leasehold estate of the lessee or his heirs, legal representatives or assigns, in said lot or lots, in front of which said sidewalk shall have been constructed or repaired, to be advertised and sold at public sale to such person as will purchase the same for the shortest term, and pay the said assessment with interest and costs; provided, however, that in making said sale, the said association shall first cause notice of the sale to be advertised in at least one daily newspaper published within the county in which the grounds of said association are located for four successive weeks, once in each week prior to said sale, and shall cause copies of said notice to be set up in five public places within the grounds of said association for the same period, and shall cause the same to be served as required of section two of this act.

§ 6. **Conveyance.**—Upon making such sale, the said association is hereby authorized to execute and deliver to any purchaser of said estate, a conveyance for the term purchased, of all the power, right, title and interest of the said lessee, his heirs, legal representatives or assigns, against whom said assessment was made, and thereupon said purchaser shall become entitled to the possession of said former estate, in all respects as possessed and used by the said person against whom said assessment was made, for the term purchased, and said purchaser shall be entitled after said conveyance, both in law and equity, to the possession of said premises and estate, and to maintain an action of ejectment therefor.

§ 7. **Redemption.**—Any lessee, his heirs, legal representatives, or assigns, or any other person having an interest in said leasehold estate may redeem said premises and leasehold interest from said sale and assessment at any time within twelve months after said sale, upon payment of said assessment, interest and costs to said purchaser, who shall upon such payment, within said twelve months, surrender possession of said premises to said lessee, or his heirs, legal representatives or assigns, and thereupon said lessee, his heirs, legal representatives, or assigns, shall be entitled to receive from said purchaser at said sale, a reconveyance of all the right, title and interest of said purchaser, acquired at and by virtue of said sale.

§ 8. **Sale of entire leasehold; surplus proceeds.**—If said association shall so elect, and the said assessment or assessments shall remain unpaid to it, for one year from the date of filing said resolution in the county clerk's office aforesaid, as provided in section four of this act, then in lieu of the provisions of section five, six and seven for a sale of the lot or lots so assessed for the shortest term for which a purchaser will pay the said assessment, interest and costs for their redemption and reconveyance, it shall be lawful for said association to proceed in accordance with the provisions of its leases for ninety-nine years, concerning the collection of unpaid taxes and other assessments, and to advertise said lot or lots at public sale for four successive weeks in some daily newspaper published in the county, wherein the grounds of the association are situate, and at the advertised time and place to sell said lot or lots with any and all improvements erected thereon, at public auction, and after deducting from the

proceeds of said sale the amount of the aforesaid assessments, interest and actual costs and expense of the sale, to pay to the lessee, or his heirs, legal representatives or assigns, any surplus arising from such sale over and above said assessments, interest, cost and expense, and thereupon to declare the lease or leases for said lot or lots forfeited in accordance with the terms thereof; and said association shall have power to execute and deliver to the purchaser at such auction sale, its permanent lease for ninety-nine years for said lot or lots and the improvements erected thereon, and said purchaser shall be entitled after said conveyance, both in law and equity, to the possession of said premises and estate, and to maintain an action of ejectment therefor.

§ 9. This act shall take effect immediately.

Chap. 386.

AN ACT to amend chapter three hundred and forty-six of the laws of eighteen hundred and ninety-seven, entitled, "An act creating the office of commissioner of jurors for each of the counties of the state of New York, having a population of more than two hundred thousand and less than three hundred thousand," as amended by chapter five hundred and sixty-five of the laws of nineteen hundred, chapter three hundred and seventy-seven of the laws of nineteen hundred and one, and chapter four hundred and eight of the laws of nineteen hundred and two, relative to lists and qualifications of jurors and compensation.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter three hundred and forty-six of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

§ 3. The commissioner shall receive an annual salary, to be fixed by the judges aforesaid, or a majority of them, not to exceed four thousand dollars, payable in monthly installments, by the county treasurer of such county. Salary of commissioner.

§ 2. Section five of chapter three hundred and forty-six of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

Persons
qualified
to serve
as jurors,
prepara-
tion of
list of.

§ 5. The assessors of each of the cities and towns of such county, within thirty days after written notice to them, given by such commissioner, shall prepare, certify and file with such commissioner, a list of all persons residing within their city or town qualified to serve as jurors, and annually thereafter, at the time of making their annual assessment roll, shall file a supplemental list containing the names of all other persons who have become qualified and subject to jury duty since the filing of preceding lists. Said commissioner shall have power to make lists and add to any list names of persons that he deems qualified to serve as jurors.

§ 3. Section seven of chapter three hundred and forty-six of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

Examina-
tion of
persons as
to quali-
fications
for serving
as jurors.

§ 7. The commissioner shall have power, upon a notice of not less than three days, to summon, or cause to be summoned, before him, at such time and place in the town or city where the person so summoned resides, as he shall deem expedient, every person whose name shall be upon the list aforesaid, and shall examine such person, under oath, as to his qualifications to serve as a juror, and shall himself investigate and report such facts as he may learn as to the qualification for, and liability to, jury duty of any person on the said list, and shall preserve such examination and information, and file the same in his office as a public record. No exemption from liability to serve as a juror shall be allowed, unless claimed on such examination. In order to be qualified to serve as a grand or trial juror in a court of record, pursuant to the provisions of this act, a person must be:

Qualifica-
tions.

1. A male citizen of the United States and a resident of the county.

2. Not less than twenty-one nor more than seventy years of age.

3. The owner in his own right of a freehold estate in real property of the value of one hundred and fifty dollars; or of personal property of the value of two hundred and fifty dollars; or the husband of a woman who is the owner of a like freehold estate, belonging to her in her own right; or in possession of land, held by him under a contract for the purchase thereof; or the husband of a woman in possession of land held by her under a contract

for the purchase thereof, upon which improvements have been made, by him or her, to the value of one hundred and fifty dollars; or upon the purchase price of which he or she has paid a like sum.

4. In the possession of his natural faculties and not infirm or decrepit.

5. Free from all legal exceptions; intelligent; of sound mind and judgment; of good character; of approved integrity; and well informed.

§ 4. This act shall take effect immediately.

Chap. 387.

AN ACT to change the name of "The Lockport home for the friendless" to "The home for the friendless at Lockport."

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of "The Lockport home for the friendless." Name changed.
a charitable corporation organized under the laws of this state, is hereby changed to "The home for the friendless at Lockport," and such corporation shall possess and exercise, under such name, all the rights and powers formerly possessed and exercised by it, and all grants, devises and bequests made to it under the name of "The Lockport home for the friendless," shall be the same in force and effect, and shall be as valid, as though such name had not been changed as provided in this act.

§ 2. The change in the name of such corporation made as Rights not impaired by this act.
provided herein shall not impair or affect any contract, liability, obligation or debt due to said corporation made, entered into or incurred before the passage of this act, nor affect any proceeding instituted or that may be instituted to enforce any contract, obligation, liability or debt in favor of or against such corporation; but all such contracts, obligations, liabilities, debts and proceedings shall be valid, binding and enforceable by and against such corporation by the name of "The home for the friendless at Lockport," in the same manner as if the name of such corporation had not been changed, as provided by this act.

§ 3. This act shall take effect immediately.

Chap. 388.

AN ACT to authorize the acceptance by this state of gifts, bequests, and assignments of the bonds, warrants, choses in action, or other obligations of any other state and to enforce the collection thereof.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever any person or persons, copartnership, corporation or association shall give, bequeath or assign to the state of New York any bonds, warrants, choses in action or other obligations of any other state, the governor is hereby authorized in his discretion, to receive and accept the same for the benefit of the state and the right and title thereto and therein shall thereupon pass to and vest in this state and the same and all the proceeds thereof when collected shall be held by the comptroller in a special account or fund subject to be appropriated by the legislature only for the support of common schools, or for the promotion of some educational interest in the state.

§ 2. Whenever it shall be necessary to protect or assert the right or title of the state to any such bonds, warrants, choses in action or other obligations so received, or to collect or enforce the same or any part thereof, principal or interest, the attorney-general is hereby authorized and directed to take the necessary and proper proceedings or to bring suit thereon in the name of the state in any court of competent jurisdiction, state or federal, and to prosecute all such suits or proceedings to a termination.

§ 3. This act shall take effect immediately.

Gifts to be held as a special account for support of common schools.

Attorney-general to prosecute all proceedings to protect interest of the state.

Chap. 389.

AN ACT to provide a purchasing agent for the county of Schenectady, and regulating the management of said office.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The supervisors of the county of Schenectady, at their annual meeting held in the year nineteen hundred and five, and tri-ennially thereafter, shall appoint a purchasing agent who shall take office on the first day of January next succeeding his appointment. In case of death, resignation, or other vacancy in said office during any term, the said supervisors shall have power, within thirty days, at any special meeting called for that purpose, to fill such appointment for the unexpired term. The purchasing agent shall be subject to the rules and regulations laid down by the board of supervisors, and shall receive an annual salary to be fixed by said board, payable as other county salaries are paid, Purchasing agent, appointment and compensation of.

§ 2. The purchasing agent shall make all purchases and all contracts for supplies, materials, food, furniture and implements for the superintendent of the poor, such as may be necessary for the proper care and maintenance of the persons who may be a county charge and who are inmates of the county house of the county, and all items of supplies, materials, food, furniture and implements for the sheriff, such as may be necessary for the proper care and maintenance of the prisoners confined in the jail who may be a county charge, or connected with either of said officials, or for which the county in any event may be liable. The purchasing agent, however, shall not have the power to purchase any ordinary supplies or items which a purchasing committee of the board of supervisors shall be required to have for their own use, or for the county or for any other county officials. Duties.

§ 3. All supplies furnished at the county's expense, except such as are delivered to the purchasing agent, shall be receipted for by the official or the head of the department or office to which they are delivered, and such receipt shall accompany the sworn statement and bill when presented to the purchasing agent. No Receipts.

supplies shall be delivered except as specifically ordered by the purchasing agent. No supplies shall be delivered by the purchasing agent to any person, official or department, as aforesaid, except on a requisition in writing from the said county official desiring the same, or in charge of the department for which the same are required.

§ 4. The purchasing agent shall, at the monthly meeting of the board of supervisors of said county, or at such other meetings as they may request, furnish to said board of supervisors a detailed statement, showing, up to a certain day of the preceding month, all purchases or contracts made by him, the quantity, price and total charge for each, and all supplies delivered and to what official or department delivered. The board of supervisors shall not audit nor pay any bill for supplies unless it shall fully appear that said supplies were ordered by the purchasing agent, and a bill therefor duly sworn to, presented to the board by the purchasing agent and endorsed with his approval. All requisitions received by the purchasing agent shall be filed in his office, and shall be open to the public under reasonable regulations for their safety and preservation.

§ 5. This act shall take effect immediately.

Chap. 390.

AN ACT to amend section one of chapter two hundred and fifteen of the laws of eighteen hundred and eighty-three as amended by section one of chapter five hundred and fifty-four of the laws of eighteen hundred and eighty-eight, entitled "An act fixing the salaries of the stenographers of the supreme court in the eighth judicial district," relative to duties and fees of such stenographers.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and fifteen of the laws of eighteen hundred and eighty-three, entitled "An act fixing the salaries of the stenographers of the supreme court in the eighth judicial district" as amended by chapter five hundred

and fifty-four of the laws of eighteen hundred and eighty-eight is hereby amended to read as follows:

§ 1. Each of the stenographers of the supreme court in the eighth judicial district whose appointment is provided for in section two hundred and fifty-eight of the code of civil procedure shall receive the salary provided by section two hundred and fifty-eight of the code of civil procedure as the same now is or may hereafter be amended; the salaries to be paid as prescribed in section two hundred and fifty-nine of the code of civil procedure, and such stenographers shall report and transcribe opinions for the justices of the supreme court, when required, without additional compensation, and shall, within twenty days after notice by an attorney or party that he intends to appeal, make a case and exceptions or bill of exceptions in a criminal or civil action, or that briefs are to be made or arguments prepared in an action tried before the court without a jury, file with the clerk of the county in which the venue of such action is laid a transcript of the minutes taken by him on such trial together with such notice attached thereto. The stenographer shall be entitled to the amount provided by section thirty-three hundred and eleven of the code of civil procedure as the same now is or may hereafter be amended, for each folio of transcript so filed, and such amount shall be paid by the treasurer of the county wherein the venue of such action is laid, upon the order of the justice presiding at such trial. The attorney giving such notice and the party shall be jointly and severally liable for the amount so paid by the county treasurer for such transcript, unless within six months after the filing of such transcript such attorney or party shall file with the clerk of the county in which the venue of such action is laid proof by affidavit that an appeal has been taken in good faith with the intent to prosecute the same, a case and exceptions or bill of exceptions in a civil or criminal action has been made and filed or briefs or arguments have been prepared and made in an action tried before the court without a jury. If such affidavit is not filed as aforesaid, the party or his attorney giving such notice shall pay to the county treasurer on demand, the amount paid by the said treasurer to the stenographer for such transcript and the treasurer may recover said amount in his name of office, in an action in any court of competent jurisdiction against said attorney and party.

§ 2. This act shall take effect immediately.

Stenog-
raphers,
salaries
and
duties of.

Chap. 391.

AN ACT to amend chapter two hundred and six of the laws of nineteen hundred and two, entitled "An act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries," providing for the payment of certain expenses by the county.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and six of the laws of nineteen hundred and two, entitled "An act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries," as amended by chapter five hundred and six of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 2. Upon a verified petition presented to a judge of a court of record by any soldiers' organization in any town or city in this state by a majority of its officers, or a majority of any memorial committee in any town or city where there are two or more veteran soldiers' organizations, or in towns or cities where there are no veteran soldiers' organizations, upon the petition of five or more veteran soldiers, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him at a time and place within the county in not less than fourteen nor more than twenty days from the date of presentation of said petition, why the remains of any deceased soldiers buried in potter's field, or in any neglected or abandoned cemeteries

Proceed-
ings for
removal
and rein-
terment of
remains of
deceased
soldiers.

should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or city or in a town adjoining the town or city in which the remains of a deceased soldier is buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran soldier organization, or a majority of a memorial committee in towns or cities where two or more veteran soldier organization* exist, or that the petitioners are honorably discharged veteran soldiers in towns or cities where no veteran soldier organization exists; and (1) the name of the deceased soldier or soldiers whose remains are sought to be removed, and if known the company and regiment in which he or they served; (2) the name and location of the cemetery in which he is interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no reason or objection is made thereto, he shall make an order directing the removal of the remains of said deceased soldier or soldiers to the cemetery designated in the petition within the town or city or within a town adjoining the town or city in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment, including the expense of the proceeding under this act, shall be a charge upon the county in which the town or city is situated from which the removal is made and such expenses shall be a county charge and audited by the board of supervisors of the county and paid in the same manner as other county charges. On and after the removal and reinterment of the remains of the deceased soldier or soldiers in the soldiers' plot, the expenses for annual care of the grave in the soldiers' burial plot to which the removal is made shall be annually provided by the

Contents of
petition.

Return of
order to
show cause,
order for
removal of
remains.

Care of
graves.

* So in original.

town or city in which the remains were originally buried, at the rate of not to exceed fifty cents per grave and shall be paid annually to the incorporated cemetery association to which the remains of each deceased soldier may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased soldier were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased soldier or soldiers, or the officer of any cemetery association in which the remains of the deceased soldier or soldiers were originally interred, or the authorities of the county in which the soldier or soldiers was originally buried may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require.

Any headstone or monument which marks the grave of the deceased soldier shall be removed and reset at the grave in the cemetery in which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of such removals and reinterment and resetting of the headstone or monument, including the expenses of the proceedings under this act; except that where provision is otherwise made for the purchase or erection of a new headstone, monument, or marker at the grave in the cemetery to which such removal is permitted, such old headstone or monument need not be so removed and reset, in which case such final order shall not provide for the expense of resetting. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office of the proper county. The word "soldier" shall be construed to mean an honorably discharged soldier, sailor or marine who served in the army or navy of the United States, and the words "soldiers' plot," shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veteran soldiers of the United States.

§ 2. This act shall take effect immediately.

Relatives
may oppose
granting
order for
removal.

Headstones
and monu-
ments,
removal
and re-
setting of.

Chap. 392.

AN ACT to amend chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-seven entitled "An act creating a commissioner of jurors for each county of the state having a population of more than one hundred and fifty thousand and less than one hundred and ninety thousand, and regulating and prescribing his duties," generally.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-seven entitled "An act creating a commissioner of jurors for each county of the state having a population of more than one hundred and fifty thousand and less than one hundred and ninety thousand, and regulating and prescribing his duties" is hereby amended to read as follows:

§ 3. Within ten days after his appointment such commissioner shall take and subscribe the constitutional oath of office, before a justice of the supreme court, and said oath shall be filed by him with the clerk of the county for which he is appointed; and he shall thereupon be entitled to enter upon the discharge of his duties. The said commissioner, when so appointed, shall be an officer of the courts of record in such county.

§ 2. Section four of said chapter is hereby amended to read as follows:

§ 4. The commissioner of jurors in each county embraced within this act shall receive an annual salary of two thousand dollars, payable in monthly installments by the county treasurer of each of said counties, to be raised by tax by the board of supervisors thereof. Said commissioner may annually expend for necessary clerk hire the sum of three hundred dollars, or so much thereof as may be necessary. The board of supervisors of each county embraced within this act shall also provide suitable rooms and accommodations for the office of said commissioner, and shall also provide for the payment for books, stationery, printing, and all necessary expenses incurred by him in the discharge of the duties of his office, including the expenses of sum-

Oath of
commis-
sioner.

Salary of
commis-
sioner,
clerk hire.

Rooms and
supplies
for office.

Audit of
accounts.

moning jurors for examination and examination of jurors, which expenses, until other provision be made therefor by the board of supervisors, shall be first audited by a board consisting of the chairman of the board of supervisors of the county, for which said commissioner is appointed, or if not in session, by the chairman of the preceding board of supervisors, and the treasurer of said county. Said board of supervisors shall provide for the audit of all accounts for expense and disbursements incurred by said commissioner, in the discharge of the duties of his office which shall be audited monthly, upon the presentation of properly itemized and verified statements thereof, certified by said commissioner, and shall be paid in the same manner as other county charges. The said commissioner, until the board of supervisors shall make provisions therefor, shall use the county clerk's office of his county to transact the necessary duties of his office, and shall be supplied by the county clerk with necessary books and supplies, which shall be a county charge.

§ 3. Section five of said chapter is hereby amended to read as follows:

List of
persons
qualified
to serve
as grand
and trial
jurors,
prepara-
tion of.

§ 5. The supervisor and assessors of each of the towns, and the supervisor of each of the wards of a city in each county embraced within this act, together with the assessors of such city, shall, within sixty days after written notice given by such commissioner requesting the same certify and file with such commissioner, in such form as he shall prescribe and on blanks to be furnished by him, a list of all persons residing within such town or ward, qualified under the laws of this state to serve as grand and trial jurors. At any time thereafter, whenever required by said commissioner, said supervisors and assessors shall make and file in like manner an additional and corrected list of all persons residing in each such town and ward qualified to serve as grand and trial jurors. The expense of making such lists shall be a county charge and, when certified by said commissioner, shall be audited and paid in the same manner as other county charges. On the failure of any such officials to make and file any such list, the commissioner shall make and file the same in his office. The commissioner shall have full power to make corrections in and additions to any such list so filed.

§ 4. Section six of said chapter is hereby amended to read as follows:

§ 6. The commissioner shall have power, upon a notice of not less than three days, to summon, or cause to be summoned, before him at such time and place in the town or city where the person so summoned resides, as he shall deem expedient, each person whose name shall be upon the lists aforesaid, and may, in his discretion, examine such person, under oath, as to his qualifications to serve as a juror, and shall himself investigate as to the qualifications for, and liability to jury duty of each person on the said lists, and shall file and preserve the record of such examination, investigation and information in his office. Such records shall not be subject to examination or inspection except by permission of said commissioner or one of said judges. No exemption from liability to serve as a juror shall be allowed, unless claimed upon such examination. Said summons may be served personally or by leaving the same at the place of residence of the party summoned with a person of suitable age and discretion, or by mail addressed to the party at the place of residence stated in said list. If served by mail at least five days notice of the examination shall be given. Any person who, having been summoned to appear for examination, as provided herein, shall neglect or refuse to obey said summons, or submit to such examination shall upon the application of said commissioner be subject to punishment and be punished as for a criminal contempt of court. The said commissioner from the lists filed, as provided in this act, from the records of said examinations, and from such other sources of information as he may find available, shall on or before the first day of November in each year make a list of such number of names, as shall be fixed and determined by said judges, of persons residing within the county for which he is commissioner who are qualified to act as grand jurors and who are of approved integrity, fair character, sound judgment and well informed, apportioned among the several towns and wards of such county, as nearly as practicable in proportion to the population of the same. The said commissioner shall also from the lists filed as provided herein, from the records of said examinations and from such other sources of information as he may find available, on or before the first day of November in each year make a list of such number of names, as shall be fixed and determined by said judges, of persons residing within the county for which he is

Examination of persons as to qualifications.

Examination of records.

Lists of grand and trial jurors.

commissioner who are qualified to act as trial jurors, and who are of approved integrity, fair character, sound judgment and well informed.

§ 5. Section seven of said act is hereby amended to read as follows:

Record of
grand and
trial
jurors,
how kept.

§ 7. The said commissioner shall on or before the tenth day of November in each year cause such list of names of grand and trial jurors to be arranged alphabetically and by towns and wards and entered in a separate book kept by him for that purpose, and shall give, in addition to the name and age, the residence and occupation of each person, which book shall, at all reasonable times, be open to public inspection; and shall cause the list of grand jurors to be published in the newspapers designated by the board of supervisors to publish the session laws at least once a week for three successive weeks. The said commissioner may from time to time revise said list or lists, so prepared, by striking therefrom the name of all persons thereon who it shall appear to him are for any good or sufficient reason not qualified to act as grand or trial jurors; and said list may in like manner be revised at any time by any of said judges. The commissioner may from time to time make up supplementary lists containing the names of persons qualified and liable to serve as grand and trial jurors and add the same to the annual list provided for herein. And in case the number of names upon the lists as originally prepared by said commissioner, as aforesaid, are reduced, it shall be his duty, in the same manner as hereinbefore provided to add such further or additional names as are required to make the full lists of jurors, as hereinbefore provided. Said supplementary lists and lists of additional names shall be subject to revision and correction, and to the addition of other names in the same manner hereinbefore provided for the original lists, until the full list of jurors, as above provided, are obtained.

Supple-
mentary
lists.

§ 6. Section eight of said act is hereby amended to read as follows:

Filing
lists with
county
clerk,
prepara-
tion of
names for
drawing;
boxes for
keeping
slips of
jurors.

§ 8. On or before the fifteenth day of December in each year said commissioner shall file the lists so prepared and corrected by him, with the county clerk of the county of which he is a commissioner, and such corrected lists shall constitute the lists of grand and trial jurors for the year beginning on the first day of January then following; the names of grand and trial jurors

are to be prepared for drawing, drawn and summoned in all respects in accordance with the general statute now in force, except as hereinafter provided. There shall be provided two sets each of two boxes, to be known as the first and second box, respectively, for the slips of grand and trial jurors, respectively. The commissioner shall cause to be prepared a written or printed slip of paper containing the name of each person on said lists, respectively, and shall deposit said slips of grand and trial jurors in the first box provided for each class of said slips, respectively. Said boxes shall then, in the presence of at least one of said judges, be sealed, locked and delivered to the clerk of such county and from said boxes or the names remaining therein all grand and trial jurors for service in courts of record in such county shall be drawn, as provided by law. Said boxes shall be cylindrical in form, and the officer before drawing therefrom shall turn the same around slowly a sufficient number of times, in the presence of the officers, so as to thoroughly mix the slips. He must then, without seeing the name contained on any slip, publicly draw out of the box one slip, and continue to draw in like manner, one slip at a time, until the requisite number has been drawn. Whenever a slip containing a name that has been stricken from the jury list by the commissioner is drawn, it must be destroyed immediately and another drawn in its place. Whenever the name of a person is drawn who is shown by the records of the commissioner to have served his legal term within the year preceding the drawing, an entry of such fact must be made on the jury list, the slip shall be laid aside until the end of the drawing and another one drawn in its place. At the close of the drawing, the slips, if any so laid aside, shall be returned to the box. All slips so drawn out of the box, not required to be returned to it or to be destroyed, shall be delivered to the clerk for use during the term. When the drawing is finished the box shall be closed and sealed in the presence of the officers and shall not be opened nor the seal be broken until another drawing, except in pursuance of law. The commissioner shall be present at each drawing of jurors. All regular drawings of grand and trial jurors under the provisions of this act, for each term of courts of record, shall take place on the sixteenth day prior to the time appointed for the holding of said courts, unless the justice or judge who is to hold the term shall direct a different time which

Drawing
jurors.

Slips to be
delivered
to clerk.

Time of
drawing
jurors.

shall not be less than fourteen nor more than twenty days prior to the sitting of said court, except that when an extraordinary term shall be ordered, then the drawing for such term shall take place at such time as a judge or justice of said court shall, by order, direct. No notice of any such drawing shall be required to be published in a newspaper.

§ 7. Section nine of said chapter is hereby amended to read as follows:

§ 9. The number of trial jurors drawn for each term of a court of record shall be ninety-six, unless a greater number shall be ordered pursuant to law. The forty-eight trial jurors first drawn, or such other number as the presiding judge or justice directs, must be notified to be present during the first two calendar weeks of the term, and the forty-eight trial jurors next drawn, or such other number as the judge or justice directs, must be notified to be present during the next two calendar weeks. If in the judgment of the presiding judge or justice, the term will continue beyond four weeks, and no order be made continuing the service of the panel of jurors for an additional week, during the third week the judge or justice shall order to be drawn forty-eight additional jurors in open court, or such other number as he may direct, who shall be notified to be present during the third two calendar weeks of the term, and when ordered, a like number shall be drawn for each succeeding two weeks of such term. The court may at any time order an extra panel of jurors, to be drawn in the manner herein provided, to consist of such number as the court shall deem sufficient. At any time during a term of a court of record the court may order the commissioner or clerk of the court forthwith to select, and the sheriff to summon and bring into court, any number of additional jurors, taken from the jury list, who may be required for immediate service in a particular case, who shall not be required to be drawn from the jury box. The judge holding a term may, in his discretion, postpone the whole or a part of the time of service of a trial juror to a later day during the same or a subsequent term. Each juror whose time of service is postponed until a day certain, must attend at the opening of court on that day, and thereafter until he is discharged without further notice. The clerk of the court must enter in a book kept for that purpose, the name of each grand and trial juror who was excused from service without a

Trial
jurors,
number
and sum-
maring of.

Additional
jurors.

Postpone-
ment of
time of
service of
trial
jurors.

Clerk to
keep
record of
jurors.

day fixed, and the name of each such juror notified, but who did not attend and serve, and the name of each juror who attended and served and the number of days he was actually present in court and served and the particular dates thereof and also the amount paid him for such attendance, also the names of each trial juror whose time of service is postponed and the date it shall be postponed to in each term, and certify said record with all the slips of the panels to the commissioner within ten days after the close of each term, or within ten days after the discharge of all the trial jurors, if they are discharged before the close of the term. He shall also furnish to the commissioner, at his request, at any time, a list of the names of those whose time of service has been postponed to a later date in the term or to a subsequent term. The commissioner shall report the names of the jurors excused to a subsequent date or term, to the officers attending the drawing of jurors for that date or term and each such name shall be placed upon the list of jurors drawn and shall make one of the number directed to be drawn for that date or term and no more names shall be drawn from the box than shall be sufficient to make up the number provided by law after adding the names of the jurors so excused.

Jurors
excused
to a subse-
quent term.

§ 8. Section ten of said chapter is hereby amended to read as follows:

§ 10. The term of service of grand jurors shall be for the sitting or term of court, unless sooner discharged. A person who has actually served as a trial juror as provided herein for two complete calendar weeks or is so serving at the close of the trial work of the term shall be discharged by the court; except that he shall not be so discharged until the close of a trial in which he may be then serving, nor when the court shall have ordered a panel or the part thereof of which he is a member to serve an additional week. A person so discharged shall, during the calendar year in which he shall have so served, be exempt from service as a trial juror in all courts of record in any such county. Whenever the statement of the clerk of a court shows that a person is entitled to exemption from jury service as provided herein, the commissioner of jurors must, upon request, furnish him a certificate to that effect. After the adjournment of a court of record at which grand or trial jurors have been returned, the commissioner must deposit the slips of those who served their legal term.

Term of
service of
jurors.

or new slips containing the same names, excepting those who for any cause have been stricken from the list, in the second box hereinbefore mentioned, and the same shall be sealed by him and not opened, except in pursuance of law. He shall keep a list arranged alphabetically and by towns and wards of the names so deposited, on file in his office. If at the time of drawing jurors for a term, there is not a sufficient number of slips remaining in the first box after drawing all the names therefrom, the commissioner must then deposit in said first box all of the slips then in the second box, except those of names that have been stricken from the list, and the officer shall continue to draw therefrom until said first box is again exhausted. If a court shall sit in two or more parts or divisions, jurors drawn for the term shall, by direction of the presiding judge or justice, be interchangeable between such parts or divisions and shall serve in either or any of them during their legal term. After the slips containing the names of the jurors constituting the panel for a trial term shall have been drawn and delivered to the clerk, as hereinbefore provided, he shall cause ballots containing the names of such jurors to be prepared, deposited and drawn in the formation of juries during the term, in the form and manner provided by law, not inconsistent with the provisions hereof. The box used in drawing shall be cylindrical in form and of the size and style directed by the commissioner of jurors. The clerk shall at all times keep a correct list of all the jurors serving upon the panel, indicating such of them as are actually engaged in the trial of an action. Before the drawing the clerk shall submit such list to the attorneys about to conduct the trial. Upon the demand of any such attorney the clerk shall remove all of the ballots from the box and shall openly, in the presence and full view of each of said attorneys, canvass the same to ascertain the presence of ballots containing the names of all jurors serving on the panel and not then actually engaged in the trial of an action. Said ballots shall, in like manner, be deposited in the box, which shall then be closed and turned around in such manner and a sufficient number of times to thoroughly mix the ballots and render it impossible for their position or location in the box to be known. The drawing must then be conducted by the clerk openly and in full view of each of said attorneys. During a term of court said box, when not in actual use, shall be kept securely locked

Deposit of slips containing names of jurors who have served their terms.

Drawing names from second box.

Jurors for several parts or divisions of court.

Drawing juries during the term.

Form of box containing list of jurors serving on panel.

Ballots to be deposited in box.

Drawing trial jurors.

and neither the box nor the ballots therein shall be handled, interfered or tampered with by any officer or person, except when necessary in the performance of duties imposed by law or by direction of the court. Any person who shall do any act whereby he or another shall be placed, or attempted to be placed, upon the jury list or omitted therefrom, or attempted to be omitted from said list, contrary to the provisions of this act shall be subject to punishment and be punished as for a criminal contempt of court, and if an officer shall be removed from office.

§ 9. This act shall take effect immediately.

Chap. 393.

AN ACT to amend chapter five hundred and sixteen of the laws of eighteen ninety-two, entitled, "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowing, erection and maintenance of public libraries, museums and other educational institutions within this state."

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and sixteen of the laws of eighteen hundred and ninety-two, entitled, "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowing, erection and maintenance of public libraries, museums and other educational institutions within this state," is hereby amended to read as follows:

§ 1. Any person desiring, in his lifetime, to promote the public welfare by founding, endowing and having maintained a public library, museum or other educational institutions, or a chapel and crematory within this state, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant (and to their successors),

Grant
creating
trust must
be in
writing.

any property, real or personal, belonging to such person, and situated or being within this state.

§ 2. This act shall take effect immediately.

Chap. 394.

AN ACT to amend the banking law in relation to examinations of banks, savings banks, trust companies, and other corporations under the supervision of the banking department.

Became a law, May 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of the banking law is hereby amended so as to read as follows:

§ 8. Powers of superintendent.—Every corporation and individual banker specified in section two of this chapter shall be subject to the inspection and supervision of the superintendent of banks. He shall, either personally or by some competent person or persons to be appointed by him, to be known as examiners, visit and examine every bank, trust company and individual banker at least twice in each year, and every savings bank at least once in two years, and every other corporation specified in section two of this chapter at least once in each year. On every such examination inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the action of its directors, the investment of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of law have been complied with in the administration of its affairs; and as to such other matters as the superintendent may prescribe. He shall have power in like manner to examine every corporation and individual banker specified in section two, whenever, in his judgment, its condition and management is such as to render an examination of its affairs necessary and expedient. He shall also have power to examine or cause to be examined every agency located in this state of any foreign bank or banking corporation for the purpose of ascertaining whether it has violated any law of the state, and for such other purposes and as to such other matters

as the superintendent may prescribe. The superintendent and every such examiner shall have power to administer an oath to any person whose testimony may be required on the examination of any corporation or individual banker specified in section two of this chapter, or on the examination of any such agency of any foreign bank or banking corporation, and to compel the appearance and attendance of any such person for the purpose of any such examination. If the examination shall be made by the superintendent, or by one or more of the regular clerks in the department, no charge shall be made except for necessary traveling and other actual expenses. The result of such examination of a savings bank shall be certified by the examiners, or one of them, upon the records of the corporation examined.

§ 2. This act shall take effect immediately.

Chap. 395.

AN ACT to amend chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-two, entitled, "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs."

Became a law, May 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-two, entitled, "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs, as amended by section two of chapter two hundred and forty-five of the laws of nineteen hundred and three entitled, 'An act to amend chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-two, entitled, 'An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs''", is hereby further amended so as to read as follows:

§ 3. The said receiver of taxes and assessments, after having received notice of his election, and before entering upon the discharge of his duties, shall take and subscribe the usual oath of office, and file the same in the office of the clerk of the county of

Oath and
bond of
receiver.

Saratoga, and execute a bond to the town of Saratoga Springs, with sufficient sureties, at least two of whom shall be freeholders and residents of the town of Saratoga Springs, or a bond with a surety company as surety, in the penal sum of fifty thousand dollars, conditioned for the faithful discharge of his duties as such receiver of taxes for the said town; which bond shall be delivered to the supervisor of said town, and be approved by him before the said receiver shall collect any taxes for the said town; such bond to be filed by said supervisor in the office of the clerk of Saratoga county. He shall also execute a bond to the village of Saratoga Springs with like sureties, in the penal sum of sixty thousand dollars, conditioned for the faithful discharge of his duties as receiver of taxes for said village, which bond shall be delivered to the board of trustees, and be approved by them, before he shall collect any taxes or assessments for said village; and such bond shall be filed by said board in the office of the village clerk of the village of Saratoga Springs. In case any or all of the sureties of said receiver shall die or become insolvent, or such surety or sureties be deemed insufficient to secure said amounts, but the said supervisor or trustees, the supervisor of said town, for said town, and the board of trustees of said village, for said village, shall require said receiver to execute new and additional bonds in like penalties and conditioned as heretofore prescribed. In case the said receiver shall neglect to execute the original bonds hereinabove first mentioned, or either of them, within fifteen days after notice of his election, or execute new and additional bonds within fifteen days after notice of his being required so to do, such neglect shall be deemed and taken as a refusal to serve, and the office shall thereupon become vacant.

When new
bond may
be re-
quired.

§ 2. Section seven of said chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-two, entitled, "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs", as amended by section seven of chapter three hundred and seven of the laws of eighteen hundred and eighty-six, entitled, "An act to amend chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-two, entitled, 'An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs'", is hereby further amended so as to read as follows:

§ 7. The percentage on taxes and assessments received or collected by the said receiver shall be applied to the payment of his salary and the expenses of his office. Such salary of the receiver is hereby fixed at the sum of two thousand dollars, per annum, payable quarterly upon the order of the supervisor of the town and the president of the village of Saratoga Springs, and all necessary expenses of his office, not exceeding one hundred dollars in any one year, shall be audited and paid by said president and supervisor. In case that the percentage aforesaid shall not be sufficient in the aggregate for the payment of such salary and necessary office expenses then the amount of the deficiency shall be assessed and collected from the taxable property in said town, with the taxes of the ensuing year, and shall be applied to make up such deficiency. All surplus money from the additional five per centum on hand at the expiration of each year not appropriated or disposed of by law or by other provisions of this act shall be divided by said receiver of taxes as follows: The five per centum additional received on the collection of the town, county and state tax or assessment shall be paid by the receiver of taxes and assessments to the treasurer of the county of Saratoga, to the credit of the town of Saratoga Springs, and the five per centum additional received from moneys collected for the village of Saratoga Springs shall be credited to the miscellaneous department of the village of Saratoga Springs.

Compensation of receiver.

Surplus money, disposition of.

§ 3. This act shall take effect immediately.

Chap. 396.

AN ACT to authorize the supervisor or supervisors of certain towns in the county of Westchester, to invest moneys received by the said towns from the city of New York, in payment of damages for highways or bridges taken by said city, in connection with the acquisition of certain lands for its water supply.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The supervisor or supervisors of the towns of Bedford, Lewisboro, New Castle, North Salem, Somers, Yorktown

and Cortlandt, are hereby authorized by and with the consent of the town board to invest as hereinafter provided, any moneys or funds received by the above named towns or their proper officers from the city of New York in payment of damages for highways or bridges taken by the city of New York within said towns, which taking was made necessary by the acquisition of certain lands by said city for water supply.

§ 2. The supervisor or supervisors of the towns referred to in section one by and with the consent of the town board of the said several towns may invest such funds or moneys referred to in section one in any securities in which savings banks incorporated under the laws of the state of New York are authorized to make investments, and the said supervisor is authorized hereby to collect the interest from such investments as may be made in pursuance of this act, which income shall be expended by him in such manner as the town board and highway commissioners of each of the several towns may direct.

§ 3. A supervisor receiving moneys for investment under this act, shall give a bond in such form and amount as may be determined by the town board, but the amount of such bond shall not be less than the sum of money received by him, which bond shall be approved as to sufficiency of surety by said board.

§ 4. This act shall take effect immediately.

Chap. 397.

AN ACT authorizing the towns of Louisville, Madrid and Waddington, in the county of Saint Lawrence to issue bonds for the payment of the cost of the construction of a bridge over De Grasse river, and of the costs of legal proceedings in respect to such bridge, and for certain other purposes.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Authority to issue bonds.—The town board of each of the towns of Louisville and Waddington, in the county of Saint Lawrence, is hereby authorized to issue bonds of their

Invest-
ment of
money;
collection
of interest,
etc.

Bond of
supervisor.

respective towns, in the sum of four thousand five hundred dollars for each town, and the town board of the town of Madrid in such county is hereby authorized to issue bonds of such town in the sum of three thousand and five hundred dollars, for the purpose of paying the proportionate cost of the construction of an iron bridge over the De Grasse river, and the approaches thereto, to be borne by each town as determined by an agreement or stipulation entered into between the attorneys of such towns in a judicial proceeding instituted to compel the construction of such bridge, and to adjust and apportion the cost thereof between such towns, which proportionate cost as so agreed upon or stipulated is included in, and directed to be paid by, a judgment or decree rendered in such proceeding. A portion of the proceeds of the sale of the bonds issued by the town of Louisville may be applied to the payment of the taxable costs and disbursements in the proceeding instituted to compel the construction of such bridge. If a surplus of the proceeds of the sale of such bonds remain after the payment of the cost of such bridge and its approaches, and the payment of the taxable costs in the proceeding relating thereto, as above provided, such surplus in each town may be expended under the direction of the town board thereof in paying the cost of the construction and repair of highways or bridges in such town which have been damaged or destroyed by the elements or have become unsafe. The amount thus authorized to be expended shall be expended in the manner provided by section ten of the highway law.

§ 2. Issue and sale of bonds.—The bonds issued as authorized in the preceding section shall be signed by the supervisor and attested by the town clerk of the town issuing them. Such bonds shall be so issued as to provide for the payment thereof in equal annual installments of five hundred dollars each, the first of which shall be payable at such time as the town board of each town shall prescribe. They shall bear interest at a rate not exceeding four and one-half per centum, and shall be sold for not less than their par value. They shall be sold on sealed proposals, or at public auction, upon notice published in such newspapers as may be designated by the town board, and posted in at least five public places in the town, at least ten days before the sale, to the person who will take them at the lowest rate of interest. Such bonds shall be consecutively numbered from one

to the highest number issued, and the town clerk shall keep a record of the number of each bond, its date, amount, rate of interest, when and where payable, and the purchaser thereof or the person to whom they are issued.

§ 3. This act shall not affect any action or proceeding now pending in any court.

§ 4. This act shall take effect immediately.

Chap. 398.

AN ACT to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof."

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-six of title five of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof," is hereby amended so as to read as follows:

§ 36. To cause to be published in two newspapers in the said village, two weeks before the annual election, a detailed and specific statement of the expenditure of all moneys which shall have been received the preceding year for any purpose, which statement shall show how much money has been received and collected and for what purpose, and to whom it has been paid and for what purpose; which statement shall be signed by the president and trustees and verified as to its fullness and accuracy by affidavits of the president and clerk. The said statement shall also be filed with the clerk of the village.

§ 2. This act shall take effect immediately.

Receipts
and ex-
penditures,
publi-
cation of
detailed
state-
ment of.

Chap. 399.

AN ACT to repeal chapter two hundred and eighty-three of the laws of nineteen hundred and five, entitled "An act to amend chapter five hundred and six of the laws of nineteen hundred and two, entitled 'An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for said village and to prescribe their powers and duties.'"

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two hundred and eighty-three of the laws of nineteen hundred and five, entitled "An act to amend chapter five hundred and six of the laws of nineteen hundred and two, entitled 'An act to amend the charter of the village of Saratoga Springs and to provide for the appointment of sewer, water and street commissioners for said village and to prescribe their powers and duties,'" is hereby repealed. ^{Act repealed.}

§ 2. This act shall take effect immediately.

Chap. 400.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," relative to ordinances pertaining to the fire alarm telegraph system.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision fourteen of section three of title five of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," is hereby amended to read as follows:

Fire department, establishment and organization of.

14. To organize and establish a fire department to be composed of one or more fire and hose companies in said village; to appoint firemen to each company, and to regulate the management, use and protection of the engines and other apparatus and property belonging to said village; and to prescribe the number, powers and duties of each of said companies, and of all members thereof; such members shall always be subject to removal by the trustees. To prohibit and prevent a wilful giving of a false alarm of fire, and any wilful tampering, meddling or interference in any way with any station or signal box, or any part thereof, or the wilful breaking, injuring, defacing or removal of any of said boxes, or any of the wires or supports connected with any part of the fire alarm telegraph system of said village; and any such ordinance may prescribe that a violation thereof shall be a misdemeanor and punishable as such.

§ 2. This act shall take effect immediately.

Chap. 401.

AN ACT to amend the banking law, relative to securities in which deposits in savings banks may be invested.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section one hundred and sixteen of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," as amended by chapter four hundred and forty of the laws of eighteen hundred and ninety-three, chapter eight hundred and thirteen of the laws of eighteen hundred and ninety-five, chapter four hundred and fifty-four of the laws of eighteen hundred and ninety-six, chapter three hundred and eighty-six of the laws of eighteen hundred and ninety-seven, and chapter five hundred and ninety-eight of the laws of nineteen hundred and two, is hereby amended to read as follows:

5. In the stocks or bonds of any incorporated city situated in one of the states of the United States which was admitted to statehood prior to January first, eighteen hundred and ninety-six, and which, since January first, eighteen hundred and sixty-one,

Stocks or bonds of incorporated cities in which deposits may be invested.

has not repudiated or defaulted in the payment of any part of the principal or interest of any debt authorized by the legislature of any such state to be contracted, provided said city has a population, as shown by the federal census next preceding said investment, of not less than forty-five thousand inhabitants, and was incorporated as a city at least twenty-five years prior to the making of said investment, and has never defaulted for more than ninety days in the payment of any part either of principal or interest of any bond, note or other evidence of indebtedness, or effected any compromise of any kind with the holders thereof. If at any time the indebtedness of any such city, together with the indebtedness of any district, or other municipal corporation or subdivision except a county, which is wholly or in part included within the bounds or limits of said city, less its water debt and sinking funds shall exceed seven per centum of the valuation of said city for purposes of taxation, its bonds and stocks shall thereafter, and until such indebtedness shall be reduced to seven per centum of the valuation for the purposes of taxation, cease to be an authorized investment for the moneys of savings banks, but the superintendent of the banking department may, in his discretion, require any savings bank to sell such bonds or stock of said city as may have been purchased prior to said increase of debt.

§ 2. Subdivision six of section one hundred and sixteen of said chapter, as amended by chapter eight hundred and thirteen of the laws of eighteen hundred and ninety-five, chapter two hundred and thirty-six of the laws of eighteen hundred and ninety-eight, chapter three hundred and eighty-six of the laws of eighteen hundred and ninety-nine, chapter forty-two of the laws of nineteen hundred, chapter four hundred and forty of the laws of nineteen hundred and two, and chapter six hundred and forty of the laws of nineteen hundred and three, is hereby amended to read as follows:

6. In bonds and mortgages on unincumbered real property situated in this state, to the extent of sixty per centum of the value thereof. Not more than sixty-five per centum of the whole amount of deposits shall be so loaned or invested. If the loan is on unimproved and unproductive real property, the amount loaned thereon shall not be more than forty per centum of its actual value. No investment in any bonds and mortgages shall be made by any savings bank except upon the report of a committee of its trus-

Bonds and
mortgages
on real
property.

tees charged with the duty of investigating the same, who shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the corporation. Also in the following securities:

First mortgage bonds of certain railroad corporations of this state.

(a) The first mortgage bonds of any railroad corporation of this state, the principal part of whose railroad is located within this state, or of any railroad corporation of this or any other state or states connecting with and controlled and operated as a part of the system of any such railroad corporation of this state, and of which connecting railroad at least a majority of its capital stock is owned by such a railroad corporation of this state or in the mortgage bonds of any such railroad corporation of an issue to retire all prior mortgage debt of such railroad companies respectively; provided that at no time within five years next preceding the date of any such investment shall such railroad corporation of this state or such connecting railroad corporation respectively have failed regularly and punctually to pay the matured principal and interest of all its mortgage indebtedness, and in addition thereto regularly and punctually to have paid in dividends to its stockholders during each of said five years an amount at least equal to four per centum upon all its outstanding capital stock; and provided, further, that at the date of every such dividend the outstanding capital stock of such railroad corporation, or such connecting railroad company respectively shall have been equal to at least one-third of the total mortgage indebtedness of such railroad corporations respectively, including all bonds issued or to be issued under any mortgage securing any bonds in which such investment shall be made.

(b) The mortgage bonds of the following railroad corporations: The Chicago and Northwestern railroad company, Chicago, Burlington and Quincy railroad company, Michigan Central railroad company, Illinois Central railroad company, Pennsylvania railroad company, Delaware and Hudson company, Delaware, Lackawanna and Western railroad company, New York, New Haven and Hartford railroad company, Boston and Maine railroad company, Maine Central railroad company, the Chicago and Alton railroad company, Morris and Essex railroad company, Central railroad of New Jersey, United New Jersey railroad and

canal company, also in the mortgage bonds of railroad companies whose lines are leased or operated or controlled by any railroad company specified in this paragraph if said bonds be guaranteed both as to principal and interest by the railroad company to which said lines are leased or by which they are operated or controlled. Provided that at the time of making investment authorized by this paragraph the said railroad corporations issuing such bonds shall have earned and paid regular dividends of not less than four per centum per annum in cash on all their issues of capital stock for the ten years next preceding such investment, and provided the capital stock of any said railroad corporations shall equal or exceed in amount one-third of the par value of all its bonded indebtedness; and further provided that all bonds authorized for investment by this subdivision shall be secured by a mortgage which is a first mortgage on either the whole or some part of the railroad and railroad property of the company issuing such bonds, or that such bonds shall be mortgage bonds of an issue to retire all prior mortgage debts of such railroad company; provided, further, that the mortgage which secures the bonds authorized by this subdivision is dated, executed and recorded prior to January first, nineteen hundred and five.

(c) The mortgage bonds of the Chicago, Milwaukee and Saint Paul railway company, and the Chicago, Rock Island and Pacific railway company, so long as they shall continue to earn and pay at least four per centum dividends per annum on their outstanding capital stock, and provided their capital stock shall equal or exceed in amount one-third of the par value of all their bonded indebtedness, and further provided that all bonds of either of said companies hereby authorized for investment shall be secured by a mortgage which is a first mortgage on either the whole or some part of the railroad or railroad property actually in the possession of and operated by said company, or that such bonds shall be mortgage bonds of an issue to retire all prior debts of said railroad company; provided, further, that the mortgage which secures the bonds authorized by this subdivision is dated, executed and recorded prior to January first, nineteen hundred and five.

(d) The first mortgage bonds of the Fonda, Johnstown and Gloversville railroad company, or in the mortgage bonds of

said railroad company of an issue to retire all prior mortgage debts of said railroad company, and provided the capital stock of said railroad company shall equal or exceed in amount one-third of the par value of all its bonded indebtedness and provided also that such railroad be of standard gauge of four feet eight and one-half inches, and in the mortgage bonds of the Buffalo Creek railroad company of an issue to retire all prior mortgage debts of said railroad company, provided that the bonds authorized by this subdivision are secured by a mortgage dated, executed and recorded prior to January first, nineteen hundred and five.

(e) The mortgage bonds of any railroad corporation incorporated under the laws of any of the United States, which actually owns in fee not less than five hundred miles of standard gauge railway exclusive of sidings, within the United States, provided that at no time within five years next preceding the date of any such investment shall such railroad corporation have failed regularly and punctually to pay the matured principal and interest of all its mortgage indebtedness and in addition thereto regularly and punctually to have paid in dividends to its stockholders during each of said five years an amount at least equal to four per centum upon all its outstanding capital stock; and provided further that during said five years the gross earnings in each year from the operations of said company, including therein the gross earnings of all railroads leased and operated or controlled and operated by said company, and also including in said earnings the amount received directly or indirectly by said company from the sale of coal from mines owned or controlled by it, shall not have been less in amount than five times the amount necessary to pay the interest payable during that year upon its entire outstanding indebtedness, and the rentals for said year of all leased lines, and further provided that all bonds authorized for investment by this subdivision shall be secured by a mortgage which is at the time of making said investment or was at the date of the execution of said mortgage (1) a first mortgage upon not less than seventy-five per centum of the railway owned in fee by the company issuing said bonds exclusive of sidings at the date of said mortgage or (2) a refunding mortgage issued to retire all prior lien mortgage debts of said company outstanding at the

time of said investment and covering at least seventy-five per centum of the railway owned in fee by said company at the date of said mortgage. But no one of the bonds so secured shall be a legal investment in case the mortgage securing the same shall authorize a total issue of bonds which together with all outstanding prior debts of said company, after deducting therefrom in case of a refunding mortgage, the bonds reserved under the provisions of said mortgage to retire prior debts at maturity, shall exceed three times the outstanding capital stock of said company at the time of making said investment. And no mortgage is to be regarded as a refunding mortgage, under the provisions of this act, unless the bonds which it secures mature at a later date than any bond which it is given to refund, nor unless it covers a mileage at least twenty-five per centum greater than is covered by any one of the prior mortgages so to be refunded.

(f) Any railway mortgage bonds which would be a legal investment under the provisions of subdivision (e) of this section, except for the fact that the railroad corporation issuing said bonds actually owns in fee less than five hundred miles of road, provided that during five years next preceding the date of any such investment the gross earnings in each year from the operations of said corporation, including the gross earnings of all lines leased and operated or controlled and operated by it, shall not have been less than ten million dollars.

(g) The mortgage bonds of a railroad corporation described in the foregoing subdivisions (e) or (f) or the mortgage bond of a railroad owned by such corporation, assumed or guaranteed by it by endorsement on said bonds, provided said bonds are prior to and are to be refunded by a general mortgage of said corporation, the bonds secured by which are made a legal investment under the provisions of said subdivisions (e) or (f); and provided, further, that said general mortgage covers all the real property upon which the mortgage securing said underlying bonds is a lien.

(h) Any railway mortgage bonds which would be a legal investment under the provisions of subdivisions (e) or (g) of this section, except for the fact that the railroad corporation issuing said bonds actually owns in fee less than five hundred miles of road, provided the payment of principal and interest of said bonds is guaranteed by endorsement thereon by, or provided said bonds have been assumed by a corporation whose first mortgage,

or refunding mortgage bonds, are a legal investment under the provisions of subdivision (e) or (f) of this section. But no one of the bonds so guaranteed or assumed shall be a legal investment in case the mortgage securing the same shall authorize a total issue of bonds which, together with all the outstanding prior debts of the corporation making said guarantee or so assuming said bonds, including therein the authorized amount of all previously guaranteed or assumed bond issues, shall exceed three times the capital stock of said corporation, at the time of making said investment.

(i) The first mortgage bonds of a railroad the entire capital stock of which, except shares necessary to qualify directors, is owned by, and which is operated by a railroad whose last issued refunding bonds are a legal investment under the provisions of subdivisions (a), (e), or (f) of this section, provided the payment of principal and interest of said bonds is guaranteed by endorsement thereon by the company so owning and operating said road, and further provided the mortgage securing said bonds does not authorize an issue of more than twenty thousand dollars in bonds for each mile of road covered thereby. But no one of the bonds so guaranteed shall be a legal investment in case the mortgage securing the same shall authorize a total issue of bonds which together with all the outstanding prior debts of the company making said guarantee, including therein the authorized amount of all previously guaranteed bonds issues, shall exceed three times the capital stock of said company, at the time of making said investment.

Amount of
assets
which
may be
invested
in
railroad
bonds.

Not more than twenty-five per centum of the assets of any bank shall be loaned or invested in railroad bonds, and not more than ten per centum of the assets of any bank shall be invested in the bonds of any one railroad corporation described in paragraph a of this subdivision, and not more than five per centum of such assets in the bonds of any other railroad corporation. In determining the amount of the assets of any bank under the provisions of this subdivision its securities shall be estimated in the manner prescribed for determining the per centum of surplus by section one hundred and twenty-four of this act. Street railroad corporations shall not be considered railroad corporations within the meaning of this subdivision.

§ 3. This act shall take effect immediately.

Chap. 402.

AN ACT authorizing the village of Weedsport to issue bonds.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Weedsport are authorized to issue bonds of said village to the amount of not exceeding four thousand dollars, bearing interest at a rate not exceeding four per centum per annum, payable annually, for a term not exceeding three years, and to sell the same at public or private sale at not less than par, the proceeds thereof to be applied on the payment of the claim of James Wright, as administrator of the estate of Addie Grace Wright deceased, which sum was heretofore voted at an election held in said village, as liquidation and full settlement of a claim made by said administrator against said village for causing the death of said Addie Grace Wright by reason of obstructions on the sidewalks of said village.

Issue of
bonds
authorized

§ 2. The place and time of payment and the denomination and form of said bonds shall be determined and fixed by said trustees, and each bond shall contain a recital that it was issued pursuant to this act, which recital shall be conclusive evidence of the validity of such bond and the regularity of the issuance thereof.

Bonds,
form and
contents of

§ 3. This act shall take effect immediately.

Chap. 403.

AN ACT to authorize the board of water commissioners of the village of Peekskill in the county of Westchester to issue bonds for the expense of a new force main and provide for the payment of water bonds of the village of Peekskill.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of water commissioners of the village of Peekskill is hereby authorized and empowered to issue bonds in the name of the village of Peekskill to an amount not to exceed

Issue of
bonds for
water main
author-
ized.

twenty thousand dollars, or so much thereof as may be necessary for the purpose of constructing a water main from the pumping station to the reservoir of said village and for paying land damages and other expenses necessitated thereby. The said bonds shall be payable in not to exceed thirty years from the date thereof and shall be of such denomination as said board shall direct and shall be sold to the person or corporation offering to take the same at the lowest rate of interest not exceeding four and one-half per centum per annum, payable semi-annually, and the said bonds shall be payable at such place as said board may direct.

Execution
and sale
of bonds.

§ 2. Bonds issued under this act shall not be negotiable by said board of water commissioners for less than the par value thereof, they shall be signed by the president and secretary of the board of water commissioners in pursuance of a resolution of said board and shall bear the corporate seal of said village and be denominated, water bonds of the village of Peekskill, New York, and are hereby made a charge upon the real and personal property of said village. Before issuing the said bonds the board of water commissioners shall advertise the issue of the same, by giving at least ten days' notice of the time and place where sealed bids therefor shall be filed and the time and place when the said bids will be publicly opened by the board of water commissioners, by publishing said notice in at least two newspapers printed in said village, and in such other manner as said board may deem to be proper.

Payment
of bonds.

§ 3. The interest upon said bonds when due, shall be payable by the board of water commissioners, out of the funds authorized by law to be raised, and when the principal on said bonds shall become due, it shall be paid from the sinking fund authorized by law to be raised for that purpose.

All water
bonds to be
paid from
sinking
fund.

§ 4. The board of water commissioners of the village of Peekskill is hereby authorized and empowered and required to pay from the sinking fund authorized by law, all water bonds of the village of Peekskill, as they may become due, whether said bonds shall have been issued by the board of trustees of the village of Peekskill or the board of water commissioners.

§ 5. This act shall take effect immediately.

Chap. 404.

AN ACT to amend the village law, in relation to the payment of expenses of incorporation.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended to read as follows:

§ 25. Payment of expenses of incorporation.—The following expenses incurred in the proceedings for incorporation shall be a charge against the village.

1. The reasonable necessary expenses incurred by the persons signing the proposition prior to the delivery thereof to the supervisor.

2. If on appeal from the decision of the supervisor the proposition for incorporation be sustained, the reasonable necessary expenses on such appeal, not exceeding fifty dollars, incurred by the persons signing the proposition.

3. The fees payable to town officers and to electors acting as inspectors of election for services performed by them under this article and their necessary disbursements.

4. If on appeal from the certificate of election, showing that a majority of the votes cast at an election held under this article is in favor of incorporation, the election is finally sustained, the reasonable necessary expenses on such appeal, in both the county court and appellate division, incurred by those appearing in support of the validity or regularity of such election.

§ 2. This act shall take effect immediately.

Chap. 405.

AN ACT to amend chapter five hundred and six of the laws of nineteen hundred and two, entitled, "An act to amend the charter of the village of Saratoga Springs, and to provide for the appointment of sewer, water and street commissioners for said village, and to prescribe their powers and duties."

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty of said chapter five hundred and six of the laws of nineteen hundred and two, entitled, "An act to amend the charter of the village of Saratoga Springs, and to provide for the appointment of sewer, water and street commissioners for said village, and to prescribe their powers and duties", is hereby amended so as to read as follows:

§ 40. It shall be unlawful for any hackman, cabman, cartman, omnibus runner or person engaged in carrying passengers, baggage, freight or other property in the village for hire, to cause or permit any horse or vehicle to stand in any public street of said village for hire, or to walk or drive through the streets soliciting patronage; and every person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and in addition thereto shall be subject to a penalty of fifty dollars for each offense, to be sued for and recovered in the name of the village of Saratoga Springs. All penalties collected for the violation of this section shall be paid to the receiver of taxes and shall be by him credited to the fund for the miscellaneous expenses of the village. The said commissioners, however, are hereby authorized and empowered to make such rules and regulations as they may deem necessary or expedient for the care and control of the streets and for the public safety and convenience, that will render such soliciting, as is in this section generally prohibited, not unlawful during certain days and hours and in and upon certain streets and places in said village, which times and places may be hereafter designated and described by the said commissioners in pursuance of this act.

§ 2. This act shall take effect immediately.

Obstruction of streets by hackmen, etc.

Rules for care of streets.

Chap. 406.

AN ACT to amend chapter thirty of the laws of eighteen hundred and eighty-five and the several acts amendatory thereof and supplemental thereto, including chapter two hundred and forty-three of the laws of nineteen hundred; relating to improvements, including sidewalks already laid or relaid without a petition or to be laid or relaid, curbing, pavement, sewers, and assessments therefor in the village of Oneonta.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-five of chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta in the county of Otsego," known as the charter of the village of Oneonta, together with the several acts amendatory thereof and supplemental thereto, including chapter two hundred and forty-three of the laws of nineteen hundred, is hereby amended to read as follows:

§ 35. Whenever property owners representing a majority of the taxable property in number of parcels and value upon any street, or portion thereof to be affected, shall by petition request the construction or reconstruction of a public sewer or drain, or the paving or repaving of the street, or any part thereof; the trustees may at their earliest convenience consistent with the public good, cause the same to be constructed, reconstructed or repaved and paid for in the manner provided for in this act. Whenever property owners representing a majority of the taxable property in number of parcels and value on either side of a public street, or portion thereof to be affected, by petition request a sidewalk or that a new sidewalk be laid on such side or portion thereof, the same shall, if approved by the trustees, be laid by them as soon as practicable, and its cost be paid for as provided in this act. The number of parcels and value of property represented on all such petitions to be determined as it appears on the last assessment roll of the village. The expense of a sidewalk heretofore laid or relaid by the village without the petition or consent or without a

Charter amended.

Construction of sewers and pavement of streets.

Payment of expense of sidewalk heretofore laid.

sufficient petition of the abutting property owners, shall be paid, assessed and collected in the same manner as if the same had been laid or relaid on the petition or request of the property owners on the street; and any preliminary or final assessment already made or hereafter made for the expense of a sidewalk heretofore laid or relaid, shall not be invalid by reason of the absence of a petition or by reason of the insufficiency thereof or by reason of not being laid on the balance of the side of a street on which a sidewalk had been laid for two-thirds or more of the whole length of said street. The improvements or any of them hereinbefore provided for may be made and the expense paid, assessed and collected as provided in this act without a petition or in case a petition be insufficient; provided the share of the cost and expense to be borne by the village shall not exceed a one twentieth part of the total amount of tax levy, including corporation and highway tax, in any one fiscal year beginning March first in each year; or if the share of the village therein exceed such one-twentieth part of the total tax levy and shall have been provided for by authority or power to issue bonds or collect a special tax as provided for by this act: by a declaration of the necessity and an order for such improvement by a majority vote of the board of trustees after a resolution for a preliminary plan and an estimate of the cost thereof, and after such plan and estimate, made and signed by the village engineer, shall have been filed with the clerk of the village, and after notice directed by the board of trustees of such filing and the proposed improvement and that such plan and estimate are open at such clerk's office to the inspection of any person interested and fixing a time when and a place where a final hearing will be had and objections thereto will be heard, signed by the clerk of the village, shall have been given by three successive publications of such notice once each week in one daily and at least two weekly newspapers published in the village of Oneonta, New York, designated by the board of trustees, and after such hearing provided for by such notice. In case of such procedure without a petition or without a sufficient petition, the work shall be done in substantial conformity with such preliminary plan, and the assessment against property owners shall not be at any greater rate or on any greater basis than such preliminary estimate. No new pavements shall be laid under the provisions of this act on any unpaved

Payment of
expense of improve-
ments made
without
petition.

street or portion thereof, except by way of extension of or connection with present pavements or pavements hereafter constructed, except upon the petition hereinbefore provided for. A street or any part thereof may be curbed or guttered without a petition and without such procedure and the cost thereof borne and collected as provided in this act, but when a part of an improvement in the nature of a pavement or repavement to be made without a petition, it must be included in such plan and estimate. One or more improvements on the same or different streets may be included in the same proceeding, but the plans and estimates must be distinct and separate and in determining after such hearing, the board of trustees may decide upon part of the improvements or a part of a single improvement, and in making the assessment apportion the estimate, or may decide that such proposed improvement or improvements are unnecessary.

This act not to apply to construction of new pavements.

Improvements on same or several streets may be included in same proceeding.

§ 2. Nothing herein contained shall in any way affect any action, or special proceeding, commenced and pending in a court of competent jurisdiction before the twentieth day of March, one thousand nine hundred and five.

Certain actions, etc., not affected by this act.

§ 3. This act shall take effect immediately.

Chap. 407.

AN ACT to legalize, ratify and confirm certain contracts executed by a board of supervisors with the authorities of the county of Kings for the reception into the penitentiary of said county of persons sentenced to imprisonment in a county jail or penitentiary, and to authorize the payment of claims arising thereunder.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All contracts heretofore executed by a board of supervisors with the authorities of the county of Kings for the reception into the penitentiary of said county, and the custody and employment therein of any person sentenced to imprisonment in a county jail or penitentiary, are hereby legalized, ratified and confirmed, notwithstanding the fact that such persons were sen-

Contracts legalized.

tenced for a term less than sixty days; and said board of supervisors is hereby authorized and directed to audit and to pay the claims of the county of Kings arising under such contracts.

§ 2. This act shall take effect immediately.

Chap. 408.

AN ACT to authorize the town board of the town of Pulteney, county of Steuben, to consolidate election districts in such town.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation of election districts; appointment of inspectors of election.

Section 1. The town board of the town of Pulteney, Steuben county, New York, may on or before the first day of July, nineteen hundred and five, consolidate the two election districts of said town and thereafter said town shall have but one election district, and all elections in said town shall be held in the said one election district. On or before the first day of September, nineteen hundred and five, the town board thereof shall appoint from the inspectors of election in said town in office in the districts consolidated four inspectors of election for such consolidated election district, two of whom shall belong to the political party which at the last preceding general election for state officers shall have cast the greatest number of votes in said town, and the other two of whom shall belong to the political party which shall have cast the next greatest number of votes at said election.

§ 2. This act shall take effect immediately.

Chap. 409.

AN ACT to amend chapter seventy-nine of the laws of nineteen hundred and four, entitled "An act authorizing the town board of the town of Caledonia, Livingston county, to pay the board of trustees of the village of Caledonia, in such county, a certain sum annually toward the salary of a village policeman."

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter seventy-nine of the laws of nineteen hundred and four, entitled "An act authorizing the town board of the town of Caledonia, Livingston county, to pay to the board of trustees of the village of Caledonia, in such county, a certain sum annually toward the salary of a village policeman," is hereby amended to read as follows:

§ 1. The town board of the town of Caledonia, Livingston county, may pay to the board of trustees of the village of Caledonia, in such county, not exceeding three hundred dollars, annually, from any moneys not otherwise specifically appropriated by law, and applicable to the ordinary expenses of such town, or said sum may be annually raised in the same manner as other town charges, to be applied by the board of trustees of such village toward paying the salary of a village policeman therein.

Payment of
salary of
village
police-
man.

§ 2. This act shall take effect immediately.

Chap. 410.

AN ACT to amend chapter one hundred and nine of the laws of eighteen hundred and ninety-four, in relation to the salary and compensation of the county judge and surrogate of Niagara county.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter one hundred and nine of the laws of eighteen hundred and ninety-four entitled "An act to

repeal the provisions for the election of a separate officer to be surrogate in the county of Niagara and establish the compensation of the county judge of said county when he shall be also surrogate" is hereby amended to read as follows:

County
judge and
surrogate,
salary of.

§ 2. Upon the expiration of the term of office of the surrogate in and for the county of Niagara now in office, or upon the occurrence of a vacancy in said office before the expiration of said term, the annual salary of the county judge of said county, who shall also be surrogate of said county, shall be five thousand dollars. The county judge of said county of Niagara, while performing the duties of county judge and surrogate, shall not practice law in any of the courts of this state, except to complete any business which as attorney or counselor at law he may have pending in any such court at the time he was elected or appointed to such office.

§ 2. Chapter one hundred and nine of the laws of eighteen hundred and ninety-four is hereby amended by adding a new section thereto to be known as section four, and to read as follows:

Terms for
hearing
ex parte
motions.

§ 4. The said county judge and surrogate shall hold a term for the hearing of ex parte motions and applications at Niagara Falls at least twice in each month, and at North Tonawanda, at least once in each month, except during the months of July and August, and except during such times as he shall be engaged in holding a regular term of court at the county seat. Until the expiration of the term of the county judge now in office or until a vacancy shall occur in such office before the expiration of the term, the board of supervisors of Niagara county, are hereby authorized and empowered to raise by tax and pay to the said present county judge, the sum of two thousand dollars annually, in lieu of expenses in addition to his salary.

§ 3. This act shall take effect immediately.

Chap. 411.

AN ACT to amend the membership corporations law, relative to soldiers monument corporations.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An act relating to membership corporations, constituting chapter forty-three of the general laws," is hereby amended to read as follows:

§ 120. Certificate of incorporation.—Three or more persons may become a corporation for the purpose of erecting a monument, monuments or memorial, including a memorial hall or building, to perpetuate the memory of the soldiers and sailors who served in defense of the Union in the late war, or in the army or navy of the United States in the late war with Spain, or in the army and navy of the United States in any war in which the government of the United States has been engaged, including the American revolution on the side of the Colonies; such monument or memorial alike to perpetuate the memory of those soldiers and sailors, who, since rendering such military or naval service have become resident of and die in the town, city or county in which such monument or memorial is erected; by making, acknowledging and filing a certificate, stating the particular object for which the corporation is to be created; the name of the proposed corporation; the number of its directors, not less than six nor more than twelve; the names and places of residence of the persons to be directors until the first annual meeting, and the time for holding its annual meetings. Such certificate shall not be filed without the approval, endorsed thereupon or annexed thereto, of a justice of the supreme court. On filing such certificate, in pursuance of law, the signers thereof, their associates and successors shall be a corporation in accordance with the provisions of such certificate.

§ 2. Section one hundred and twenty-one of such chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, as amended by chapter two hundred and seven of the

laws of eighteen hundred and ninety-nine, is hereby amended to read as follows :

§ 121. **Property; erection of monuments.**—Such a corporation may acquire and hold, within the county in which its certificate of incorporation is recorded not more than five acres of land to be used exclusively for the erection of a suitable monument or monuments or other memorial to perpetuate the memory of the soldiers and sailors who served in defense of the Union in the war of the rebellion, or who served in the army or navy of the United States in the late war with Spain or in the army or navy of the United States in any war in which the government of the United States has been engaged, including the American revolution on the side of the Colonies; such monument or memorial alike to perpetuate the memory of those soldiers and sailors who, since rendering such military or naval service, have become resident of and die in the town, city or county in which such monument or memorial is erected. Such a corporation may erect any such monument, monuments or memorial upon any public street, square or ground of any town, city or village, with the consent of the proper officers thereof, or may purchase or accept the donation of land suitable for that purpose; and may take and hold the property given, devised or bequeathed to it in trust, to apply the same or the income or proceeds thereof for the erection, improvement, embellishment, preservation, repair or renewal of such monument, monuments or memorial, or of any structure, fences or walks upon its lands, or for planting or cultivating trees, shrubs, flowers and plants, in and around or upon its lands, or for improving or embellishing the same in any manner consistent with the design and purposes of the association, according to the terms of such grant, devise or bequest. It may take by gift or purchase any lots or lands in any cemetery within such county to be used and occupied exclusively for the burial of honorably discharged soldiers and sailors who served in either of such wars, and for the erection of suitable monuments or memorials therein. A town clerk or the board of trustees of a village shall, upon the petition of twenty-five resident taxpayers, submit to an* biennial town meeting or village election, as the case may be a proposition to raise by taxation a sum stated therein, not exceeding five hundred dollars in any one year, for the purpose of erecting such a

* So in original.

monument, or contributing to the expense of such a monument, erected by a corporation under this section, or for repairing or improving the same and the grounds thereof; and such tax shall be levied in the manner prescribed by law for levying general taxes in such town or village, and when raised shall be applied to the purposes specified in such proposition.

§ 3. This act shall take effect immediately.

Chap. 412.

AN ACT to amend chapter forty-seven of the laws of eighteen hundred and ninety-one, entitled "An act to make the office of county clerk of Herkimer county a salaried office and regulating the management of said office," relating to the power and authority of special deputies.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter forty-seven of the laws of eighteen hundred and ninety-one, entitled "An act to make the office of county clerk of Herkimer county a salaried office and regulating the management of said office," as amended by chapter sixty-six of the laws of nineteen hundred and four, is hereby amended so as to read as follows:

Appoint-
ment and
compen-
sation of
deputy,
and special
deputy
clerks and
assistants.

§ 8. There shall be one deputy clerk, and the said board of supervisors shall have power to designate the number of special deputy clerks, and said county clerk shall appoint such deputy and such number of special deputies as so designated by said board; also as many assistants as may be necessary for the faithful discharge of the duties of his office, and shall be responsible for their official acts; and the salaries of said clerk and assistants shall be paid in the same manner as the salaries of other county officers are paid. The salary of the deputy clerk shall be twelve hundred dollars per annum, and the salaries of the special deputies shall be one thousand dollars per annum, and the board of supervisors may determine the number of assistants and fix their salaries, or compensation, provided, however, that

Duties of
special
deputy
clerks.

all work done by such assistants may be done and paid for by the piece or folio at the discretion of the clerk, and the amount of work so performed by each person shall be certified to by the county clerk for each calendar month. Every such special deputy clerk, before entering upon the duties of his office, shall take the oath of office prescribed by the constitution. Any such special deputy clerk may perform such duties of the clerk as may be assigned to him by an order of the clerk, to be entered in his office, and shall also perform all the duties of the clerk when both the clerk and deputy clerk are absent from the office, except that of deciding upon the sufficiency of sureties, with the same force and effect as if performed by the clerk himself.

§ 2. This act shall take effect immediately.

Chap. 413.

AN ACT authorizing the town board of the town of Greenburgh, in the county of Westchester, to change the boundaries of any election district in such town.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Creation
of new
election
district
authorized.

Section 1. The town board of the town of Greenburgh, in the county of Westchester, is hereby authorized on or before the first Tuesday in September, to change the boundaries of any election district or districts in such town, and create a new election district therein, notwithstanding that at the last general election the number of votes cast in any such election district did not exceed six hundred in number, as required by the election law; except that every such district so established shall be designated and bounded so that not less than three hundred voters shall be resident therein.

Election
law to
apply to
control of
election
districts.

§ 2. After the designation of such election districts in such town, any further division into election districts shall be governed and controlled by the provisions of the general election law.

§ 3. This act shall take effect immediately.

Chap. 414.

AN ACT to amend the banking law, relative to the powers of trust companies.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section one hundred and fifty-six of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," as amended by chapter six hundred and ninety-six of the laws of eighteen hundred and ninety-three, chapter six hundred and sixty of the laws of nineteen hundred and three, and chapter four hundred and ninety-two of the laws of nineteen hundred and four, is hereby amended to read as follows:

6. To act under the order or appointment of any court of Powers record as guardian, receiver or trustee of the estate of any minor, and as depository of any moneys paid into court, whether for the benefit of any such minor or other person, corporation or party.

§ 2. This act shall take effect immediately.

Chap. 415.

AN ACT to amend the stock corporation law, in relation to annual reports of corporations.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty of chapter five hundred and sixty-four of the laws of eighteen hundred and ninety, entitled "An act in relation to stock corporations, constituting chapter thirty-eight of the general laws," as amended by chapter six hundred and eighty-eight of the laws of eighteen hundred and ninety-two, chapter three hundred and eighty-four of the laws of eighteen hundred and ninety-seven and chapter three hundred and fifty-

four of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 30. **Annual report to secretary of state.**—Every domestic stock corporation and every foreign stock corporation doing business within this state, except moneyed and railroad corporations, shall annually during the month of January, or, if doing business without the United States, before the first day of May, may make a report as of the first day of January, which will state:

1. The amount of its capital stock and the proportion actually issued.

2. The amount of its debts or an amount which they do not exceed.

3. The amount of its assets or an amount which its assets at least equal.

4. The names and addresses of all the directors and officers of the company, and in the case of a foreign corporation, the name also of the person designated in the manner prescribed by the code of civil procedure, as a person upon whom process against the corporation may be served within this state.

Such report shall be made by the president or a vice-president or the treasurer or a secretary of the corporation and shall be filed in the office of the secretary of state. If such report be not so made and filed, any such officer who shall thereafter neglect or refuse to make and to file such report, within ten days after written request so to do shall have been made by a creditor or by a stockholder of the corporation, shall forfeit to the people the sum of fifty dollars for every day he shall so neglect or refuse.

§ 2. This act shall take effect on the first day of September, nineteen hundred and five.

Chap. 416.

AN ACT to amend the banking law, relative to communications from the banking department to banks, savings banks and trust companies.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article one of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two entitled "An act

in relation to banking corporations," is hereby amended by adding at the end thereof a new section to be known as section thirty-nine and to read as follows:

§ 39. Communications from banking department.—Each official communication directed by the banking department to a bank, savings bank, or trust company, pertaining to an investigation or examination conducted by the department, or to the affairs of such bank, savings bank or trust company, or containing suggestions or recommendations as to the conduct of the business thereof, shall be submitted, by the officer receiving it, to the board of directors or trustees of such bank, savings bank or trust company, at the next meeting of such board.

§ 2. This act shall take effect immediately.

Chap. 417.

AN ACT to amend the highway law, relative to extraordinary repairs of highways and bridges.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter six hundred and six of the laws of eighteen hundred and ninety-five and chapter eighty-four of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 10. Extraordinary repairs of highways or bridges.—If any highway or bridge shall at any time be damaged or destroyed by the elements or otherwise or become unsafe, the commissioner of highways of the town in which such highway or bridge may be, may cause the same to be immediately repaired or rebuilt, if consented to by the town board, but if the expense thereof exceed five hundred dollars, it shall be done under a written contract therefor which must be approved by the town board and the commissioners of highways shall present the proper vouchers for the expense thereof to the town board, at their next annual

meeting, and the same shall be audited by them and collected in the same manner as amounts voted at town meetings, and if the expense thereof exceed fifteen hundred dollars it shall be done only after such expense shall have been duly authorized by vote at town meeting.

§ 2. This act shall take effect immediately.

Chap. 418.

AN ACT to amend the banking law with reference to a semi-annual examination by directors of banks and trust companies.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be inserted a new section after section twenty-one of the banking law, to be known as "section 21-a," which shall read as follows:

Examina-
tion of
affairs of
banks, etc.,
by direc-
tors.

§ 21-a. It shall be the duty of the board of directors of every bank and trust company in the months of April and October in each year to examine, or to cause a committee of at least three of its members to examine, fully into the books, papers and affairs of the bank or trust company of which they are directors, and particularly into the loans and discounts thereof, with a special view of ascertaining the value and security thereof, and of the collateral security, if any, given in connection therewith. Such directors shall have power to employ such assistance in making such examination as they may deem necessary. Within ten days after the completion of each of such examinations a report in writing thereof, sworn to by the directors making the same, shall be made to the board of directors of such bank or trust company, be placed on file in said bank or trust company, and a duplicate thereof filed in the banking department. Such report shall particularly contain a statement of the assets and liabilities of the bank or trust company examined, as shown by the books of the bank or trust company, together with any deductions from the assets, or additions to liabilities, which such directors or committee, after such examination, may determine

Report of
examina-
tion, con-
tents of.

to make. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons for so regarding them; also a statement of loans made on collateral security which in their opinion are insufficiently secured, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and, if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the institution. If the directors of any bank or trust company shall fail to make, or cause to be made, and file such report of examination in the manner, and within the time, specified, such bank or trust company shall forfeit to the people of the state one hundred dollars for every day such report shall be delayed, which penalty may be recovered through an action brought by the attorney-general against such bank or trust company, in the name of the people of the state of New York. The moneys forfeited by this section, when recovered, shall be paid into the state treasury, to be used to defray the expenses of the banking department.

§ 2. This act shall take effect immediately.

Chap. 419.

AN ACT to amend the military code, relative to pay and allowances.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-five of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter seventy-five of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 165. Pay and care when injured or disabled in service.—A member of the national guard or naval militia who shall, when on duty

or assembled therefor, in case of riot, tumult, breach of the peace, insurrection or invasion, or whenever ordered by the governor, commanding officer of the national guard, or the commanding officer of the naval militia, or called in aid of the civil authorities, receive any injury, or incur or contract any disability or disease, by reason of such duty or assembly therefor, or who shall without fault or neglect on his part be wounded or disabled while performing any lawfully ordered duty, which shall temporarily incapacitate him from pursuing his usual business or occupation, shall, during the period of such incapacity, receive the pay provided by this chapter and actual necessary expenses for care and medical attendance. Under this chapter no disability shall be considered temporary which continues for more than ninety days from the date of receiving the injury or of incurring or contracting the disease or disability, and pay and expenses for care and medical attendance for more than the said ninety days shall not be allowed. All claims arising under this section shall be inquired into by a medical examiner or by a board of three officers, at least one being a medical officer, to be appointed by the adjutant-general, upon the application of the member claiming to be so incapacitated. Such medical examiner or board shall have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is possessed by a general court martial. The findings of the medical examiner or board shall be subject to the approval of the adjutant-general, who may return the proceedings of the medical examiner or board for revision and for taking further testimony. The amount found due such member by said medical examiner or board to the extent that the findings are approved by the adjutant-general, shall be a charge against and be paid in the manner provided by this chapter, by the county in which such duty was rendered, in every case where a county is by this chapter made liable to pay for the performance of military duty. In all other cases such sums shall be paid by this state, in like manner as other military accounts are paid.

§ 2. This act shall take effect immediately.

Chap. 420.

AN ACT to amend the forest, fish and game law, relative to close season in Saint Lawrence river.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section eighty-seven of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter six hundred and eight of the laws of nineteen hundred, is hereby amended to read as follows:

6. Saint Lawrence river.—Pickerel, pike and muscallonge shall not be taken in the Saint Lawrence river, below the city of Ogdensburgh, from January first to April thirtieth, both inclusive, nor elsewhere in such river, from January first to June ninth, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 421.

AN ACT to amend the forest, fish and game law, in relation to fishing in Chautauqua county.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-two of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter forty-three of the laws of nineteen hundred and two and chapter eighty-one of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 82. Fishing in Chautauqua county.—Muscallonge, black bass, or yellow bass shall not be fished for, taken or possessed in Chau-

tauca county from October sixteenth to June fifteenth, both inclusive, unless by the state for the purposes of propagation. Muscallonge, black bass or yellow bass shall not be fished for, or taken from any of the waters of Chautauqua county on any day after dark and before daylight. Muscallonge less than twenty-four inches in length shall not be taken from any of the waters of such county, and if taken shall, without unavoidable injury, be returned at once to the waters from which taken. Bullheads may be fished for and taken through the ice with hook and line baited with angle-worms in any of the lakes of such county.

§ 2. Section eighty-three of such chapter, as amended by chapter forty-three of the laws of nineteen hundred and two and chapter eighty-one of the laws of nineteen hundred and three, is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 422.

AN ACT to amend the forest, fish and game law, in relation to the close season on hares and rabbits.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter six hundred and forty-eight of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 13. **Hares and rabbits.**—The close season for hares and rabbits shall be, in the counties of Albany, Columbia, Genesee, Monroe, Orleans and Wyoming, from December sixteenth to September fifteenth, both inclusive; in the county of Ulster, from January sixteenth to September thirtieth, both inclusive; in the county of Orange from December sixteenth to October fifteenth, both inclusive; in the counties of Cortland and Broome, from December first to September fifteenth, both inclusive; in the county of Livingston, from January sixteenth to September thirtieth, both

inclusive; in the county of Rockland, from December thirty-first to October thirty-first, both inclusive; in Herkimer and Oneida counties, from February fifteenth to September fifteenth, both inclusive; in the counties of Sullivan, Steuben, Rensselaer, Madison and Erie, from February sixteenth to September thirtieth both inclusive; in the county of Schenectady, from February first to October thirty-first, both inclusive, and in the counties of Fulton and Greene, from February first to October thirty-first, both inclusive; in the county of Dutchess, from December first to October fifteenth, both inclusive; in the county of Richmond, from December sixteenth to October thirty-first, both inclusive; and in the county of Westchester, from December first to October thirty-first, both inclusive, in which two last named counties hares and rabbits shall not be taken when snow is on the ground. Hares and rabbits shall not be hunted with ferrets in any county except the counties of Fulton and Hamilton. Nothing in this section shall prevent the owner of inclosed or occupied farm lands from taking hares or rabbits on his own premises at any time to prevent their injuring property.

§ 2. This act shall take effect immediately.

Chap. 423.

AN ACT to amend the forest, fish and game law, in relation to muskallonge.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-eight of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 48. Muskallonge; close season.—Muskallonge shall not be taken or possessed from March first to May thirtieth, both inclusive, except as provided in section eighty-three. Muskallonge less than twenty-four inches in length shall not be possessed or taken, and if taken, shall, without injury be immediately re-

turned to the water where taken. The provisions of this section shall not apply to Chautauqua or Cattaraugus counties.

§ 2. This act shall take effect immediately.

Chap. 424.

AN ACT to amend the forest, fish and game law, relative to close season on trout.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-one of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter six hundred and forty-eight of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 41. Trout; close season; special.—The close season for trout in Spring brook in the counties of Monroe and Livingston, shall be from September first to March twenty-eighth, both inclusive; in the brooks in the towns of Gilboa and Conesville, Schoharie county, except the Schoharie river, from August first to April thirtieth, both inclusive; in all the brooks, streams and waters inhabited by trout in the counties of Cattaraugus, Chautauqua and Cortland and in the waters of Fall Brook creek and its tributaries in the town of Summer Hill in the county of Cayuga, from July sixteenth to April fifteenth, both inclusive; in the brooks and streams of Orange county from September first to March thirty-first, both inclusive, and in the counties of Saratoga, Rensselaer, Warren and Washington, from September first to April thirtieth, both inclusive.

§ 2. Article three of such chapter is hereby amended by inserting therein a new section to be section forty-one-b thereof, and to read as follows:

§ 41-b. Trout, close season; Allegany county.—The close season for trout in the Genesee river in the county of Allegany shall be from September first to April fifteenth both inclusive; in all the other brooks, streams and waters in such county, inhabited

by trout, the close season shall be from July sixteenth to April fifteenth, both inclusive.

§ 3. This act shall take effect immediately.

Chap. 425.

AN ACT to amend the forest, fish and game law, in relation to the sale of trout.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty of the laws of nineteen hundred entitled "An act for the protection of the forests fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended by inserting therein a new section to be section forty-three-b thereof, and to read as follows:

§ 43-b. Trout; close season for sale.—Trout shall not be sold, exposed for sale, or possessed for the purpose of selling from September first to April twenty-first in any year.

§ 2. This act shall take effect immediately.

Chap. 426.

AN ACT to amend the forest, fish and game law, relative to the protection of the nests of wild birds.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of forest, fish and game of the state, constituting chapter thirty-one of the general laws" is hereby amended to read as follows:

§ 34. Destroying or robbing nests.—Nests of wild birds other than the English sparrow, crow, hawk, crow blackbird, snow owl

and great horned owl, shall not be robbed or willfully destroyed, except when necessary to protect buildings or prevent their defacement.

§ 2. This act shall take effect immediately.

Chap. 427.

AN ACT to amend the forest, fish and game law, relative to fishing through the ice in the waters of the Big Sandy pond in Oswego county.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-nine-a of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as added by chapter two hundred and thirteen of the laws of nineteen hundred and two, and amended by chapter four hundred and forty-five of the laws of nineteen hundred and three, and chapter two hundred and four of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 59-a. Further exceptions to section fifty-eight.—Tip-ups and set-lines may be used in fishing through the ice in Lake Champlain and South Bay, so called in the towns of Dresden, Whitehall and Fort Ann and in the waters of Oneida lake, in the counties of Oneida and Oswego, but no person shall operate, own or control more than twenty lines in any of the aforesaid waters; also in the waters of Orange, Ulster, Washington, Onondaga, and Rockland counties not inhabited by trout, and in the waters of Cross lake in the county of Cayuga, but no person shall operate, or control, at the same time more than five tip-ups in such counties. Tip-ups and set-lines may be used in fishing through the ice in the waters of Big Sandy pond, in the town of Sandy Creek, Oswego county upon securing a license therefor from the commission. Such license shall contain a regulation prohibiting the holder thereof from operating, owning or controlling more than twenty

lines in such waters, and such other regulations as to the protection of fish therein as the commission may prescribe. Such license shall only be granted upon the payment of a license fee of one dollar and the execution of a bond by the licensee, to be approved by the commission, conditioned for the payment to the people of the state of the sum of one hundred dollars if the holder thereof violate any of the provisions of law or any of the regulations contained in the license while it is in force.

§ 2. This act shall take effect immediately.

Chap. 428.

AN ACT to amend the forest, fish and game law, in relation to beaver.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter five hundred and eighty of the laws of nineteen hundred and four, is hereby repealed.

§ 2. Section fourteen of such chapter, as amended by chapter six hundred and seventy-four of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 14. Beaver; close season.—There shall be no open season for beaver.—No person shall take, trap, or snare, in any manner, any beaver, or have in his possession any beaver, so taken, trapped or snared. No person shall molest or disturb any wild beaver or the dams, houses, homes or abiding places of same. The forest, fish and game commission may acquire by gift, purchase or capture a sufficient number of wild beaver to restock the Adirondack region, and may care for the same temporarily and liberate them in such region and at such time and places as it deems most conducive to their subsistence and increase.

§ 3. This act shall take effect immediately.

Chap. 429.

AN ACT to amend the forest, fish and game law, relative to close season for lake trout in Putnam county.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter three hundred and eleven of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 44. Lake trout; close season.—The close season for lake trout shall be from October first to April fifteenth, both inclusive, except in Lakes Erie and Ontario, where there shall be no close season; and except in the counties of Dutchess, Ulster, Sullivan, Orange, Rockland, Westchester and Richmond, where the close season shall be from July first to March thirty-first, both inclusive. Lake trout less than fifteen inches in length shall not be intentionally taken or possessed, and if taken, shall without avoidable injury be returned to the waters where taken.

§ 2. This act shall take effect immediately.

Chap. 430.

AN ACT to amend the code of civil procedure relating to the disposition of the real estate of decedents for the payment of debts and funeral expenses.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by inserting therein a new section to be known as section twenty-eight hundred and to read as follows:

§ 2800. Where the widow of the decedent, or a party to the proceeding, has an existing right of dower in the real estate

directed to be sold the court must consider and determine whether a more advantageous sale can be made of such real estate by including the sale of such right of dower; and, if it shall be determined by the court that a larger sum will be realized on such sale, applicable to the payment of debts and funeral expenses, by including in such sale the right of dower, the interest of the party entitled thereto shall pass thereby; and the purchaser, his heirs and assigns, shall hold the property free and discharged from any claim by virtue of that right. The regulations and provisions of article two title one of chapter fourteen of this act, prescribing the rules of practice in relation to the right of dower in actions for the partition of real estate, so far as the same may be applicable, shall govern and control the disposition of moneys realized on such sale which shall belong to the owner of said right of dower.

Sale of dower rights in decedent's real property.

§ 2. This act shall take effect immediately.

Chap. 431.

AN ACT to amend the code of civil procedure, relating to the contents of a complaint, answer and reply.

Became a law, May 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and eighty-one of the code of civil procedure, is hereby amended to read as follows:

§ 481. The complaint must contain:

Complaint contains all

1. The title of the action, specifying the name of the court in which it is brought; if it is brought in the supreme court, the name of the county, which the plaintiff designates as the place of trial; and the names of all the parties to the action, plaintiff and defendant.

2. A plain and concise statement of the facts constituting each cause of action without unnecessary repetition.

3. A demand of the judgment to which the plaintiff supposes himself entitled.

§ 2. Section five hundred of the code of civil procedure, is hereby amended to read as follows:

Answer,
contents of.

§ 500. The answer of the defendant must contain:

1. A general or specific denial of each material allegation of the complaint controverted by the defendant, or of any knowledge or information thereof sufficient to form a belief.

2. A statement of any new matter constituting a defense or counter-claim, in ordinary and concise language without repetition.

§ 3. Section five hundred and fourteen of the code of civil procedure, is hereby amended to read as follows:

Reply,
contents of.

§ 514. Where the answer contains a counterclaim, the plaintiff, if he does not demur, may reply to the counterclaim. The reply must contain a general or specific denial of each material allegation of the counterclaim controverted by the plaintiff, or of any knowledge or information thereof sufficient to form a belief; and it may set forth in ordinary and concise language, without repetition, new matter not inconsistent with the complaint, constituting a defense to the counterclaim.

§ 4. This act shall take effect immediately.

Chap. 432.

AN ACT amending section twelve hundred and fifty-one of the code of civil procedure, relative to the lien of judgments.

Became a law, May 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve hundred and fifty-one of the code of civil procedure is hereby amended to read as follows:

§ 1251. Except as otherwise specially prescribed by law, and except also as in this section below provided, a judgment, hereafter rendered, which is docketed in a county clerk's office, as prescribed in this article, binds, and is a charge upon, for ten years after filing the judgment roll, and no longer, the real property and chattels real, in that county, which the judgment debtor has at the time of so docketing it, or which he acquires at any time afterwards, and within the ten years. Provided however that no judgment shall be a charge upon or bind the real property of any person unless and until he be designated by his name in

Term for
which
judgment
is a lien
on real
property.

a docket of such judgment in the office of the clerk in the county where such property is. Upon such notice to a judgment debtor as the court may direct the supreme court may order that any judgment heretofore or hereafter rendered therein against such debtor be amended so as to designate such debtor by his name and that the clerk of the county in which the judgment roll is filed redocket such judgment as so amended; and from the time of such redocket during the remainder of ten years from the filing of the judgment roll, such judgment shall bind and be a charge upon the real property and chattels real in that county which such judgment debtor may have at the time of such redocket or may thereafter within said ten years acquire, and a transcript of such new docket may be filed and docketed in the office of the clerk of any other county in the state in like manner and with like effect as a transcript of an original docket may be filed. Upon such notice to a judgment debtor as the court may direct any court other than the supreme court may order that, any judgment heretofore or hereafter rendered therein against such debtor and any docket thereof in such court be amended so as to designate such debtor by his name, and at any time after such amendment shall have been made a transcript of the docket of such judgment as so amended may be filed and docketed in the office of the clerk of any county in this state in like manner and with like effect as a transcript of an original docket may be filed.

Judgments
against
persons
sued under
fictitious
names.

§ 2. This act shall take effect immediately.

Chap. 433.

AN ACT to amend subdivision four of section twenty-three hundred and eighty-eight of the code of civil procedure, relative to the service of certain notices upon heirs.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision four of section twenty-three hundred and eighty-eight of the code of civil procedure, is hereby amended to read as follows:

Notice of
sale,
service of.

4. A copy of the notice must be served, as prescribed in the next section, upon the mortgagor, or, if he is dead, upon his executor or administrator, if an executor or administrator has been appointed, and also upon his heirs, providing he died the owner of the mortgaged premises. A copy of the notice may also be served, in a like manner, upon a subsequent grantee or mortgagee of the property, whose conveyance was recorded, in the proper office for recording it in the county, at the time of the first publication of the notice of sale; upon the wife or widow of the mortgagor, and the wife or widow of each subsequent grantee whose conveyance was so recorded, then having an inchoate or vested right of dower, or an estate in dower, subordinate to the lien of the mortgagee; or in the event of the death of the subsequent grantee who was at the time of his death the owner of the mortgaged premises, then upon his heirs; or upon any person, then having a lien upon the property, subsequent to the mortgage by virtue of a judgment or decree duly docketed in the county clerk's office and constituting a specific or general lien upon the property. The notice, specified in this section, must be subscribed by the person entitled to execute the power of sale, unless his name distinctly appears in the body of the notice, in which case it may be subscribed by his attorney or agent.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 434.

AN ACT to amend the code of civil procedure, relative to the partition and sale of real property of incompetents.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen hundred and ninety of the code of civil procedure, as amended by chapter nine hundred and forty-six of the laws of eighteen hundred and ninety-five is hereby amended to read as follows:

§ 1590. Where an infant, idiot, lunatic, or habitual drunkard, holds real property, in joint tenancy or in common, the general

guardian of the infant, or the committee of the idiot, lunatic, or habitual drunkard, may apply to the supreme court or to the county court of the county, wherein the real property is situated, for authority to agree to a partition of the real property. Where such application affects the interests of an incompetent person who has been committed to a state institution, and is an inmate thereof, notice of such application must be given to the superintendent, acting superintendent, or state officer having special jurisdiction over the institution where the incompetent person is confined.

Petition for partition of real property by guardian of infant or committee of lunatic.

§ 2. Section twenty-three hundred and forty-nine of the code of civil procedure is hereby amended to read as follows:

§ 2349. An application, in either of the cases prescribed, in the last section, must be made by the petition of the general guardian, or the guardian of the property of the infant; or by the committee of the property of the lunatic or other incompetent person; or by any relative, or other person, in behalf of either. Where the application is in behalf of an infant of the age of fourteen years or upwards, the infant must join therein. Where the application is made to the supreme court, the petition must be presented at a term held within the judicial district, in which the property, or a part thereof, is situated. Where such application affects the interest of an incompetent person who has been committed to a state institution and is an inmate thereof, notice of such application must be given to the superintendent, acting superintendent, or state officer having special jurisdiction over the institution where the incompetent person is confined.

Petition to dispose of real property, by whom made.

§ 3. This act shall take effect September first, nineteen hundred and five.

Chap. 435.

AN ACT to amend the code of civil procedure, relative to the qualification of a referee.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten hundred and twenty-four of the code of civil procedure, is hereby amended to read as follows:

Referees,
eligibility
and qual-
ifications of.

§ 1024. A referee, appointed by the court, must be free from all just objection; and no person shall be so appointed, to whom all the parties object, except in an action to annul a marriage, or for a divorce, or a separation. A judge cannot be appointed a referee in an action brought in a court, of which he is a judge, except by the written consent of the parties; and, in that case, he cannot receive any compensation as referee. No person shall be appointed a commissioner of estimate and appraisement in condemnation or street opening proceedings or referee, in the first or second judicial districts, in an action or special proceeding, who holds the position of clerk, private secretary, secretary, or stenographer to any justice or judge of a court of record, or to any board of justices or judges of such a court in any department where such justice or judge is engaged in the discharge of the duties of his office.

§ 2. This act shall take effect September first nineteen hundred and five.

Chap. 436.

AN ACT to amend the code of civil procedure, in relation to the issuing by town clerks of transcripts of judgments of justices of the peace.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-one hundred and forty-six of the code of civil procedure is hereby amended to read as follows:

§ 3146. Town or city clerk to demand books, et cetera, upon death, et cetera, of justice.—If a justice of the peace dies, or his office becomes otherwise vacant, the town or city clerk must demand and receive all books and papers, which belonged to the justice in his official capacity, from any person having them in his possession, and such clerk may make and issue a transcript of a judgment so rendered by such a justice of the peace and appearing upon the docket of such justice of the peace so on file in his office, upon receiving his fees for the same, which shall be the same now allowed a justice of the peace for issuing a transcript, and

such transcript so issued by such clerk shall have the same force and effect as though the same had been issued by such justice of the peace during his term of office.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 437.

AN ACT to amend the code of civil procedure, in relation to the exemption of jurors.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section ten hundred and thirty of the code of civil procedure is hereby amended to read as follows:

6. A professor or teacher, in a college or academy, or an editor, editorial writer, artist or reporter of a daily newspaper or press association regularly employed as such and not following any other vocation. Persons entitled to exemption from service as jurors.

§ 2. Subdivision four of section ten hundred and eighty-one of the code of civil procedure is hereby amended to read as follows:

4. A professor or teacher in a college, academy or public school, not following any other calling, or an editor, editorial writer or reporter of a daily newspaper or press association regularly employed as such and not following any other vocation. Persons exempt from jury duty in counties of New York and Kings.

§ 3. Subdivision four of section eleven hundred and twenty-seven of the code of civil procedure is hereby amended to read as follows:

4. A professor or teacher in a college, academy, or public school, or in a private school for the instruction of pupils in the usual branches of education, not following any other calling, or an editor, editorial writer, artist or reporter of a daily newspaper or press association regularly employed as such and not following any other vocation. Persons entitled to exemption from service as trial jurors in Kings county.

§ 4. This act shall take effect September first, nineteen hundred and five.

Chap. 438.

AN ACT to amend section twenty-six hundred and fifteen of the code of civil procedure relating to the probate of wills.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-six hundred and fifteen of the code of civil procedure, is hereby amended so as to read as follows:

Persons to
be cited on
probate of
will.

§ 2615. The following persons must be cited upon a petition, presented as prescribed in the last section:

1. If the will relates exclusively to real property, the husband or wife, if any, and all the heirs of the testator.
2. If the will relates exclusively to personal property, the husband or wife, if any, and all the next of kin of the testator.
3. If the will relates to both real and personal property, the husband or wife, if any, and all the heirs, and all the next of kin of the testator.
4. Any person designated in the will as executor.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 439.

AN ACT to amend the code of civil procedure, in relation to jail liberties in the county of Broome.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-five of the code of civil procedure, as amended by chapter three hundred and eighty-four of the laws of nineteen hundred and four, is hereby amended to read as follows:

Jail liber-
ties in
certain
counties.

§ 145. The following are the liberties of the jail for each of the counties specified, to wit: For the county of New York, the whole of said county; for the county of Onondaga, the whole of the city of Syracuse; for the county of Monroe, the whole of

the city of Rochester; for the county of Erie, the whole of the city of Buffalo; for the county of Dutchess, the whole of the city of Poughkeepsie; for the county of Kings, the whole of that county; for the county of Albany, the whole of the city of Albany; for the county of Jefferson, the whole of the city of Watertown; for the county of Herkimer, the whole of the village of Herkimer; for the county of Rensselaer, the whole of the city of Troy; for the county of Niagara, the whole of the city of Lockport; for the county of Steuben, the whole of the village of Bath; for the county of Nassau, the whole of the town of Hempstead; for the county of Broome, the whole of the city of Binghamton.

§ 2. This act shall take effect immediately.

Chap. 440.

AN ACT to amend the penal code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this state.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision sixteen of section six hundred and forty of the penal code as added by chapter twelve of the laws of eighteen hundred and ninety-nine and amended by chapter eighty of the laws of nineteen hundred and five, is hereby amended to read as follows:

16. Any person, who in any manner, for exhibition or display, shall after the first day of September, nineteen hundred and five, place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement, of any nature upon any flag, standard, color or ensign of the United States of America or state flag of this state or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which after the first day of September, nineteen hundred and five, shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any

Use of flag of United States for advertising purposes a misdemeanor.

advertisement of any nature, or who shall, after the first day of September, nineteen hundred and five, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after the first day of September, nineteen hundred and five, shall have been printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or both, in the discretion of the court; and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action, or suit, in any court having jurisdiction, and such action or suit may be brought by or in the name of any citizen of this state, and such penalty when collected less the reasonable cost and expense of action or suit and recovery to be certified by the district attorney of the county in which the offense is committed shall be paid into the treasury of this state; and two or more penalties may be sued for and recovered in the same action or suit. The words, flag, standard, color or ensign, as used in this subdivision or section, shall include any flag, standard, color, ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America. The possession after September one, nineteen hundred and five, by any person, other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful at any time by this section, or

Penalty.

Words
"flag,"
etc.,
defined.

of any article or substance or thing on which shall be anything made unlawful at any time by this section shall be presumptive evidence that the same is in violation of this section, and was made, done or created after the first day of September, nineteen hundred and five, and that such flag, standard, color, ensign, or article, substance, or thing, did not exist on the first day of September, nineteen hundred and five.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 441.

AN ACT to amend the penal code, in relation to the unlawful taking, copying or use of trade, lists, lists of customers, subscribers, et cetera.

Became a law, May 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and forty-two of the penal code is hereby amended to read as follows:

§ 642. Opening or publishing a letter, et cetera.—A person who wilfully, and without authority, either

1. Opens or reads, or causes to be opened or read, a sealed letter, telegram, or private paper; or

2. Publishes the whole or any portion of such a letter, or telegram, or private paper, knowing it to have been opened or read without authority; or

3. Takes a letter, telegram or private paper, belonging to another, or a copy thereof, and publishes the whole or any portion thereof; or

4. Publishes the whole or any portion of such letter, telegram, or private paper, knowing it to have been taken or copied without authority; or

5. Publishes or causes to be published, or connives at the publication of any letter, telegram, or private paper or of any portion of any letter, telegram, or private paper found on, or among the effects of, any person who has been dangerously wounded, or who has committed suicide, or who has died suddenly, or who has

been found dead, unless such letter, telegram, or private paper shall have been produced pursuant to law before a coroner at an inquest, and the publication of such letter, telegram, or private paper, or of such portion of such letter, telegram, or private paper shall have been declared by that coroner in writing to be necessary to aid in the discovery of a crime, or of the identity of the wounded or deceased person; or

6. Any person having or obtaining access, either with or without the consent of the lawful owner, to any original list, compilation or other collection of the names of customers or subscribers not less than five hundred in number, or to any other original list, compilation or other collection of names not less than five hundred in number, used in connection with any lawful business or occupation whatsoever, and who, without the consent of such lawful owner, shall take possession of any such original list, compilation, or other collection, or any part thereof, or shall make or cause to be made, or take possession of, a copy or duplication thereof, or of any part thereof, or who shall aid, abet or incite any other person to take or to copy or to cause to be copied or taken, any such list, compilation or collection, or any part thereof; or

7. Any person who may have heretofore obtained or may hereafter obtain any such list, compilation or other collection specified in subdivision six hereof, or any part thereof, or any copy or duplication of such list, compilation or collection or any part thereof, or the information contained in any such list, compilation, collection or any part thereof, and who, without the consent of the lawful owner of the original of any such list, compilation or collection, and with notice or knowledge of his rights, may at any time hereafter, make use of or attempt to make use of any such list, compilation or collection, or any part thereof, or of any copy or duplication of the whole or any part thereof, or of the information contained in any such list, compilation, collection or copy or duplication or any part thereof, for his own benefit or advantage, or that of any person other than said lawful owner,

Is guilty of a misdemeanor.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 442.

AN ACT to amend the penal code in relation to crimes against the public health and safety.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and one of the penal code is hereby amended to read as follows:

§ 401. Apothecary, druggist or pharmacist, omitting to label drugs, or labeling them wrongly.—An apothecary, or licensed druggist, or licensed pharmacist, or a person employed as clerk or salesman by an apothecary or licensed druggist or licensed pharmacist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing a drug or medicine, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is in danger, is guilty of a misdemeanor.

§ 2. Section four hundred and two of the penal code is hereby amended to read as follows:

§ 402. Selling poison without labeling and recording the sale.—It shall be unlawful for any person to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth, without affixing or causing to be affixed, to the bottle, box, vessel or package, a label containing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller, all printed in red ink, together with the name of such poisons printed or written thereupon in plain, legible characters, which schedules are as follows, to wit:

SCHEDULE A.

Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

SCHEDULE B.

Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less, and such other poisons as the state board of pharmacy, under the authority given to it by the public health law, may from time to time add to either of said schedules. Every person who shall dispose of or sell at retail or furnish any poisons included under schedule A shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and the quantity of the poison, the purpose for which it is represented by the purchaser to be required and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines or poisons on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated under said schedule A, a suitable label or brand in red ink with the word "poison" upon it. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

§ 3. Sections four hundred and three, four hundred and four and four hundred and five of the penal code are hereby repealed.

§ 4. The penal code is hereby amended by inserting in title twelve the following new sections, numbered respectively four hundred and three and four hundred and four:

§ 403. The provisions of section four hundred and one shall not apply to the practice of a practitioner of medicines who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser; provided, however, that the sale of medicines or poisons at wholesale shall continue to be subject to such regulations as from time to time may be lawfully made by the board of pharmacy or by any competent board of health.

*Provisions
not ap-
plicable to
certain
practicing
physicians.*

§ 404. Any person who violates any provision of article eleven of the public health law for which no other penalty is imposed, is guilty of a misdemeanor.

*Violation
a misde-
meanor.*

§ 5. Section four hundred and five-a of the penal code is hereby renumbered four hundred and five.

§ 6. This act shall take effect September first, nineteen hundred and five.

Chap. 443.

AN ACT to amend the penal code, relative to violations of health laws.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and ninety-seven of the penal code, is hereby amended to read as follows:

§ 397. Wilful violation of health laws.—

1. A person who wilfully violates or refuses or omits to comply with any lawful order or regulation prescribed by any local board of health or local health officer, is guilty of a misdemeanor.

2. A person who wilfully violates any provision of the health laws, or any regulation lawfully made or established by any public officer or board under authority of the health laws the punishment for violating which is not otherwise prescribed by those laws, or by this code, is punished by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars or by both.

§ 2. This act shall take effect September first, nineteen hundred and five.

Chap. 444.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," relative to police pension fund and firemen's pension fund.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighty-five of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," as amended by chapter five hundred and eighty-one of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

Board of
trustees of
police
pension
fund, mem-
bers of.

§ 185. The mayor, comptroller and commissioner of public safety, and their successors in office, shall constitute the board of trustees of the police pension fund. Said board shall have the care, control, management and distribution of said fund. The provisions of existing law relating to and the rights of all persons in any such fund, now existing, shall remain unimpaired by the provisions of this act.

§ 2. Section two hundred and five of said chapter, as amended by chapter five hundred and eighty-one of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

Trustees of
firemen's
pension
fund.

§ 205. The mayor, comptroller and commissioner of public safety, and their successors in office, shall constitute the board of trustees of the pension fund for the benefit of members of the fire

department. Said board shall have the care, control, management and distribution of said fund. The provisions of existing law relating to and the rights of all persons in any such fund, now existing, shall remain unimpaired by the provisions of this act.

§ 3. This act shall take effect immediately.

Chap. 445.

AN AOT to amend the tax law, relative to the publication of lists of real property to be sold for unpaid taxes.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-one of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 151. Advertisement and sale.—The county treasurer shall immediately after the expiration of such six months cause to be published at least once in each week for six weeks, in two newspapers designated for the publication of the session laws, a list of real estate so liable to be sold, together with a notice that such real estate will, on a day at the expiration of said six weeks specified in such notice, and the succeeding days, be sold at public auction at the courthouse in the county where the same is situated, to discharge the taxes, interest and expenses that may be due thereon, at the time of such sale. Such list shall contain the name of the owner or occupant of each piece of real estate to be sold, as the same appears upon the assessment roll of the year in which unpaid taxes were assessed, a brief description of such real estate, and the total amount of such unpaid taxes for the year advertised, which said total amount shall include all taxes, interest, expenses and other charges against the property for the year advertised. The comptroller may prescribe the form and manner of preparing such list, which when so pre-

scribed shall be followed so far as possible by the several counties of the state. No such list shall be published until the same shall have been submitted to and approved by the state comptroller. On the day mentioned in such notice the county treasurer shall begin the sale of said real estate and continue the same from day to day. The charges for publishing such notice shall be seventy-five cents per folio for the first insertion, and fifty cents per folio for each subsequent insertion. The counties of Saint Lawrence, Lewis and Oneida, and the counties of the state other than those in the forest preserve are empowered to acquire and hold such lands. Within twenty days after the time for redemption has expired the county treasurer of each of the counties of Saint Lawrence, Lewis and Oneida shall file with the comptroller a certified statement of all tracts or parcels of land situated in the forest preserve which have been bid in by the county and have not been redeemed, and shall sell and convey to the state any tract or parcel of land specified in such statement, which the comptroller shall designate within six months after such statement is filed, upon the payment of the taxes, interest and expenses due thereon at the time of the sale and also all taxes assessed thereon since such sale, and the comptroller shall draw his warrant on the state treasurer for the amount thereof or credit the county with such amount on the books of his office. After the expiration of such six months, in the counties of Saint Lawrence, Lewis and Oneida, and after the time for redemption has expired in any other county, the county treasurer is authorized in the name of the board of supervisors of the county to sell and convey under his hand and seal such lands as have not been conveyed to the state in the manner and upon such terms as the board of supervisors of the county may direct.

§ 2. This act shall take effect immediately.

Chap. 446.

AN ACT to amend the tax law, in relation to the exemption of the property of certain pharmaceutical societies situated in cities of the first class.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter one hundred and ninety-nine of the laws of nineteen hundred and three, is hereby amended by adding the following subdivision:

19. Property real from which no rent is derived and personal property, situated within any city of the first class and belonging to any incorporated pharmaceutical society of any county which is either wholly or partly within such city, which society has heretofore been or may hereafter be authorized and empowered by act of the legislature to establish and which has established or may hereafter establish, a college of pharmacy in such city; provided that such property is used for the purposes of such college and not otherwise, and provided also that the exemption of such property for any society in the counties of Kings and New York shall not exceed one hundred thousand dollars and in any other county affected hereby, shall not exceed fifty thousand dollars.

Property
used as a
College of
pharmacy.
exemption
of.

§ 2. This act shall take effect immediately.

Chap. 447.

AN ACT to amend the tax law, in relation to the levying of taxes upon and the resale of real property that has been once sold for taxes.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in

relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 50. Subdivision 1. Equalization by board of supervisors.—The board of supervisors of each county in this state, at its annual meeting, shall examine the assessment rolls of the several tax districts in the county, for the purpose of ascertaining whether the valuations in one tax district bear a just relation to the valuations in all the tax districts in the county; and the board may increase or diminish the aggregate valuations of real estate in any tax district, by adding or deducting such sum upon the hundred, as may, in its opinion, be necessary to produce a just relation between all the valuations of real estate in the county; but it shall, in no instance, except as provided in subdivision two of this section, change the aggregate valuations of all the tax districts from the aggregate valuation thereof as made by the assessors.

Subdivision 2. The board of supervisors in any county of the state having a population of more than fifty-five thousand and less than sixty thousand inhabitants according to the federal enumeration next preceding the passage of this act and which adjoins a city of the first class may, in its discretion, when examining the assessment rolls of the several tax districts of the county, as above provided, exclude from the tax rolls of said districts, to be prepared by said board, such parcels of real property as have been struck down to the county at a tax sale and not redeemed as provided in section one hundred and fifty-two of this act: No such properties shall be so excluded from said tax rolls except by a resolution of said board adopted at an annual meeting by a vote of a majority of the members thereof. Whenever such real property is so excluded from the tax rolls by the board the total of the assessed valuations of the real estate of the several tax districts, as the same appear on the completed tax rolls, shall be the aggregate valuation of the taxable real estate in the county.

§ 2. Chapter nine hundred and eight of the laws of eighteen hundred and ninety-six entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended by inserting therein a new section to be section one hundred and fifty-two-a and to read as follows:

§ 152-a. Redemption of real property stricken from tax rolls.—The real property struck down to a county at said tax sale and omitted from the tax rolls as provided in section fifty of this act shall not be subject to further sale after having been once so sold for taxes. The real property so omitted from the tax rolls may be redeemed by the owner, occupant or any person having an interest in the same, provided the county has not acquired a title in fee to such real property, upon the payment to the county treasurer for the use and benefit of the county of a sum equal to the gross amount of the taxes, expenses of such sale, penalty and interest thereon, together with the tax and interest thereon which would have been due on said real property had it been taxed during each of the years it was so omitted from the tax rolls. The said taxes for each of the years during which said real estate is so omitted from the tax rolls shall be computed on the basis of the assessed valuations returned on said real property by the assessors of the several tax districts and at the rate fixed by the board of supervisors as the tax rate for the tax district within which said real estate is situated.

§ 3. This act shall take effect immediately.

Chap. 448.

AN ACT to amend chapter one hundred and thirty of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the application and distribution of receipts from premiums collected and to be collected from foreign fire insurance companies doing business in the state under and pursuant to chapter six hundred and four of the laws of eighteen hundred and eighty-six, on insurance on property in the village of Patchogue, Suffolk county," in relation to the custody and disposition of such receipts.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and thirty of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the application and distribution of receipts from

premiums collected, and to be collected from foreign insurance companies doing business in the state under and pursuant to chapter six hundred and four of the laws of eighteen hundred and eighty-six, on insurance on property in the village of Patchogue, Suffolk county," is hereby amended to read as follows:

Money to be retained by trustees of the exempt firemen's benevolent fund.

§ 1. All moneys which have been heretofore collected and not expended from the percentage or tax receipts of foreign fire insurance companies from premiums on insurance on property in the village of Patchogue, as provided by chapter six hundred and four of the laws of eighteen hundred and eighty-six, or the insurance law, shall be retained by the corporation known as the "trustees of the exempt firemen's benevolent fund," of the village of Patchogue, for the purposes specified in this act. Said corporation shall be composed of the president, vice-president and chairman of the board of trustees of the association of exempt firemen, of the village of Patchogue. All such moneys hereafter collected shall be disposed of in the manner provided by the insurance law.

§ 2. This act shall take effect immediately.

Chap. 449.

AN ACT to amend the real property law, relative to the postponement or subordination of liens upon real property.

Became a law, May 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred forty of chapter five hundred forty-seven of the laws of eighteen hundred ninety-six, entitled "An act relating to real property, constituting chapter forty-six of the general laws," is hereby amended to read as follows:

§ 240. Definitions; effect of article.—The term real property, as used in this article, includes lands, tenements and hereditaments and chattels real, except a lease for a term not exceeding three years. The term purchaser, includes every person to whom any estate or interest in real property is conveyed for a valuable consideration, and every assignee of a mortgage, lease or other conditional estate. The term conveyance, includes every written instrument, by which any estate or interest in real property is

created, transferred, mortgaged or assigned, or by which the title to any real property may be affected, including an instrument in execution of a power, and although the power be one of revocation only, and an instrument postponing or subordinating a mortgage lien; except a will, a lease for a term not exceeding three years, an executory contract for the sale or purchase of lands, and an instrument containing a power to convey real property as the agent or attorney for the owner of such property. The term recording officer, means the county clerk of the county, except in the counties of New York, Kings or Westchester, where it means the register of the county. This article does not apply to leases for life or lives, or for years, heretofore made, of lands in either of the counties of Albany, Ulster, Sullivan, Herkimer, Dutchess, Columbia, Delaware or Schenectady.

§ 2. This act shall take effect immediately.

Chap. 450.

AN ACT to amend the real property law, relative to conveyances.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and fifty-five of chapter five hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act relating to real property, constituting chapter forty-six of the general laws," is hereby amended to read as follows:

§ 255. **Certificate of acknowledgment or proof.**—An officer taking the acknowledgment or proof of a conveyance must indorse thereupon or attach thereto, a certificate, signed by himself, stating all the matters required to be done, known, or proved on the taking of such acknowledgment or proof; together with the name and substance of the testimony of each witness examined before him, and if a subscribing witness, his place of residence. Any conveyance which has heretofore been recorded, or which may hereafter be recorded, shall be deemed to have been duly acknowledged or proved and properly authenticated, when thirty years have

elapsed since such recording; saving, however, the rights of every purchaser in good faith and for a valuable consideration deriving title from the same vendor or grantor, his heirs or devisees, to the same property or any portion thereof, whose conveyance shall have been duly recorded before the said period of thirty years shall have elapsed or before this act shall have taken effect.

§ 2. This act shall take effect on the first day of September, nineteen hundred and five.

Chap. 451.

AN ACT to repeal section fifty-one of the public lands law, relating to preferences to original owners on sales of abandoned canal lands.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
repealed.

Section 1. Section fifty-one of chapter three hundred and seventeen of the laws of eighteen hundred and ninety-four, known as the public lands law, and constituting chapter eleven of the general laws, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 452.

AN ACT to amend the state charities law, authorizing the transfer of inmates of state charitable institutions.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article one of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six entitled "An act relating to state charities, constituting chapter twenty-six of the general laws," as amended by chapter four hundred and thirty-seven of the laws of eighteen hundred and ninety-seven and chapter three hundred and sixty-eight of the laws of eighteen hundred

and ninety-nine, is hereby amended by adding to such chapter a new section to be known as section sixteen-a, which shall read as follows:

§ 16-a. Transfers of inmates of state charitable institutions.—When in the judgment of the state board of charities, any inmate of any state charitable institution more properly belongs in a state charitable institution other than the one to which he or she was originally committed, or would be benefited by transfer to any other state charitable institution, the state board of charities with the written approval of the governor may order such transfer of such inmate. Before issuing such order the state board of charities shall notify the board of managers of the institution from which and of the institution to which such transfer is to be made, and shall afford them an opportunity to be heard. Copies of such order shall be sent to the boards of managers and the superintendents of the institution where the inmate then is and of the institution to which he or she is to be transferred. The authorities of the institution to which such inmate is to be transferred shall at the expense of such institution, provide for the conveyance of such inmate from such other state charitable institution as may be designated by the state board of charities in such order, and such inmate shall be received by the authorities of the institution to which such transfer is made. When any inmate is so transferred there shall be furnished certified copies of the commitment papers and of the record of such inmate. The board of managers of the institution to which such inmate is transferred shall have all the powers and duties in relation to such inmate, which it possesses in relation to other inmates of such institution.

§ 2. This act shall take effect immediately.

Chap. 453.

AN ACT to amend the railroad law, in relation to the protection of street railroad employees in the counties of Kings and Queens.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article four of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-eight of the general laws," is hereby amended by adding thereto a new section to be one hundred and twelve and to read as follows:

§ 112. **Protection of employees in the counties of Kings and Queens.**—Every corporation operating a street surface railroad in the counties of Kings or Queens, shall cause the front and rear platforms of every passenger car propelled by electricity, cable or compressed air, operated on any division of such railroad during the months of December, January, February and March, except cars attached to the rear of other cars, to be enclosed from the fronts of the platforms to the fronts of the hoods so as to afford protection to any person stationed by such corporation on such platforms to perform duties connected with the operation of such cars. Every corporation or person using and operating a car in violation of such section shall be liable to a penalty of twenty-five dollars per day for each car used and operated, to be collected in an action brought by the attorney-general and to be paid to the treasurer of the city of New York, or in a suit by the district attorney of the counties of Kings or Queens to be paid into the treasury of the city of New York. One-third of the cars operated by any corporation in either of the above named counties shall be equipped with the enclosures provided for in section one of this act on or before December first, nineteen hundred and five, one-third thereof after December first, nineteen hundred and five, and before December first, nineteen hundred and six, and the remaining one-third thereof after December first, nineteen hundred and six, and before December first, nineteen hundred and seven.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 454.

AN ACT regulating the sanitary condition of bathing establishments, and amending section two hundred and twelve of chapter twenty-five of the general public health laws, as amended by the laws of eighteen hundred and ninety-three; being renumbered by the laws of nineteen hundred, chapter six hundred and sixty-seven; number of section being originally two hundred and two.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and twelve of chapter twenty-five of the general public health laws, as amended by the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

§ 212. Regulating the sanitary condition of bathing establishments and the preservation of life at bathing places.—It shall be unlawful for any person to maintain, either as owner or lessee, any bathing establishment of any kind, in this state, for the accommodation of persons, for pay, or any consideration, at a point less than five hundred feet from any sewer connection emptying therein, or thereat, so as to pollute in any way, the waters used by those using or hiring bathing houses at such bathing establishments; it shall be the duty of such owner or lessee to provide separate toilet rooms, with waterclosets properly provided with sanitary plumbing, constructed in a manner approved by the local board of health and in such a way as not to contaminate the waters used by the bathers; it shall also be the duty of such owner or lessee to thoroughly wash and disinfect, or cause to be thoroughly washed and disinfected, in a manner approved by the local board of health, all bathing suits that have been hired or used, before rehiring or permitting the use of the same again; it shall be the duty of every person main-

taining, as owner or lessee, any bathing establishment of any kind along the seashore of this state for the accommodation of persons for pay, to provide, for the safety of such bathers two lines of sound serviceable and strong manilla or hemp rope, not less than one inch in diameter, anchored at some point above high water, at the same distance apart as the lines of bathing-houses, or space fronting on such beach occupied by him or them, is in width; and from the two points at which such life-lines are so anchored, such lines shall be made to extend as far into the surf as bathing is ordinarily safe and free from danger of drowning to persons not expert in swimming, and at such points of safety, such lines shall be anchored and buoyed. From the two points of such lines so extended, anchored and buoyed, a third rope shall be extended, of a similar size, connecting the two extremities, and buoyed at such points as to be principally above the surface of the water, thereby inclosing a space within such lines and the beach within which bathing is believed to be safe; and in addition thereto, there shall be sufficient ropes of a similar size as herein described, anchored from a point at high-water mark and buoyed or anchored on a parallel line or within the outer cross rope, so as to have not more than a space of seventy-five feet from one rope to another; every such person or persons maintaining such bathing establishments, shall cause to be painted and put up in some prominent place upon the beach near such bathing houses the following words:—"Bathing beyond the lines dangerous,"—such lines so placed, anchored and buoyed, and such notice so put up, shall continue and so be maintained by every such person or persons, during the entire season of surf bathing. Every such person or persons maintaining any such bathing establishment shall also keep and provide in connection therewith, for the facilitating of the rescue of persons in danger of drowning a surf-boat, not less than sixteen feet long, on each side of which there shall be hanging ropes arranged so that persons in the water can easily catch hold of same, or be supported thereby, and such boats shall be equipped with two or more sets of oars and life lines and life-belts, and at least one ring buoy or life preserver, with quarter-inch cotton line, not less than five hundred feet in length, with suitable reel attached thereto, and in addition thereto, there shall be anchored on the shore, a suitable reel with a half-inch cotton line not less than five hundred

feet in length, with a life-belt attached thereto, kept in good order and proper condition, so that it can readily be used by those assisting in saving life. At all such bathing establishments where there are equipments for two hundred bathers or more, said surf or life-boat shall be stationed in the water, opposite the lines, manned and in readiness for use, during bathing hours; there shall also be at every public bathing establishment a bathing master or life-guard, who shall be an expert swimmer, and who shall be in constant and watchful attendance during bathing hours. Any person or persons violating any of the provisions of this section shall forfeit and pay a penalty of not less than fifty dollars, nor more than two hundred dollars to be recovered by the sheriff of the county in which such violation is committed, except in the city of New York, when the penalty shall be sued for in the name of the department of health of the city of New York and collected by it. It shall be the duty of the sheriffs and constables of the several counties of this state abutting upon the seashore, to see that in their respective counties the provisions of this section are enforced, and to bring suit for the recovery of the penalty therein provided, unless some other person had already brought suit for the same. A separate penalty may be recovered for each day that any person, subject to the provisions of this section may violate any of the provisions of the same; but no penalty shall be recovered for any other violation thereof than shall have occurred during the days when the owner or lessee, or other person or persons, maintaining the said bathing establishments, shall have kept the same open for the use of the public, or for such persons as may be the guests of any hotel that such bathing establishments may be connected with. The owner of a bathing house shall not be subject to the provisions of this section when it is used, occupied or maintained by a lessee for hire, but such lessee shall be deemed the keeper or proprietor or person or persons maintaining such bathing establishment thereof. Nothing in this section shall be construed, in any way to affect any bathing establishments, in any city or municipality, at which there is maintained at public expense a life-saving guard.

§ 2. This act shall take effect the first day of June, nineteen hundred and five.

Chap. 455.

AN ACT to amend the public health law, in relation to the prosecution of violations of the law, in regard to the practice of medicine.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-three of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act relating to the public health, constituting chapter twenty-five of the general laws," as amended by chapter three hundred and ninety-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 153. Penalties and their collection.—Any person who, not being then lawfully authorized to practice medicine within this state and so registered according to law, shall practice medicine within this state without lawful registration or in violation of any provision of this article; and any person who shall buy, sell, or fraudulently obtain any medical diploma, license, record, or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice medicine under cover of any medical diploma, license, record, or registration illegally obtained, or signed, or issued unlawfully or under fraudulent representations or mistake of fact in a material regard, or who, after conviction of a felony, shall attempt to practice medicine, or shall so practice, and any person who shall append the letters M. D. to his or her name, (or shall assume or advertise the title of doctor, or any title which shall show or tend to show that the person assuming or advertising the same is a practitioner of any of the branches of medicine,) in such a manner as to convey the impression that he or she is a legal practitioner of medicine, or of any of its branches without having legally received the medical degree, or without having received a license which constituted at that time an authority to practice medicine under the laws of this state then in force, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two hundred and fifty dollars, or imprisonment for six months for the first offense, and on conviction of any subsequent

offense, by a fine of not more than five hundred dollars or imprisonment for not less than one year, or by both fine and imprisonment. Any person who shall practice medicine under a false or assumed name, or who shall falsely personate another practitioner of a like or different name, shall be guilty of a felony. When any prosecution under this article is made on the complaint of any incorporated medical society of the state, or any county medical society of such county entitled to representation in a state society, the fines when collected shall be paid to the society making the complaint, and any excess of the amount of fines so paid over the expense incurred by the said society in enforcing the medical laws of this state, shall be paid at the end of the year to the county treasurer. When an alleged criminal violation of any provision of this article is brought to the attention of the district attorney of any county, either on the complaint of a state or county medical society, or otherwise, he shall cause such alleged violation to be investigated and if satisfied that probable cause exists for the belief that such a crime has been committed, he shall cause the person committing such alleged violation to be prosecuted as provided by law.

§ 2. This act shall take effect immediately.

Chap. 456.

AN AOT to amend the banking law in relation to the amount which a bank or trust company may loan to any person, company, corporation or firm.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five of the banking law is hereby amended so as to read as follows:

§ 25. No bank or trust company shall make any loans or discounts to any person, company, corporation or firm, or upon paper upon which any such person, company, corporation or firm may be liable to an amount exceeding the one-tenth part of its capital stock actually paid in and surplus, but this restriction shall not apply to loans or discounts secured by collateral

Restrictions on loans by banks and trust companies.

security worth at least fifteen per centum more than the amount or amounts loaned thereon, nor to the discount of bills of exchange drawn in good faith against actually existing values, nor to commercial or business paper actually owned by the person negotiating the same, provided, however, that the total liability of any person, company, corporation or firm shall not exceed forty per centum of the actual paid in capital stock and surplus fund of such bank or trust company, and further provided that where the loans or discounts to any one person, company, corporation or firm exceed the one-tenth part of the capital stock and surplus fund of the bank or trust company the excess of such loans or discounts must be secured by collateral security worth at least fifteen per centum more than the amount thereof.

Purchase by corporation of evidence of debt issued by it for less than face value prohibited.

2. No such corporation nor any of its directors, officers, agents or servants shall, directly or indirectly, purchase or be interested in the purchase of any promissory note or other evidence of debt issued by it for a less sum than shall appear on the face thereof to be due. Every person violating the provisions of this subdivision shall forfeit to the people of the state three times the nominal amount of the note or other evidence of debt so purchased.

Officers of banking corporations prohibited from discounting certain evidences of debt.

3. No president, director, cashier, clerk or agent of any such corporation, and no person in any way interested or concerned in the management of its affairs, shall as individuals discount, directly or indirectly, make any loan upon any note or other evidence of debt, which he shall know to have been offered for discount to such corporation, and to have been refused. Every person violating the provisions of this subdivision, shall, for each offense, forfeit to the people of the state twice the amount of the loan which he shall have made.

Officers, etc., prohibited from borrowing money without consent of majority of directors.

4. No officer, director, clerk or agent of any bank shall borrow from the bank with which he is officially connected any sum of money without the consent and approval of a majority of the board of directors thereof. Every person violating this provision shall, for each offense, forfeit to the people of the state twice the amount which he shall have borrowed.

Banking corporations forbidden to accept shares of their own capital stock as security for loans, etc.

5. No such corporation shall make any loan or discount on the security of the shares of its own capital stock nor be the purchaser or holder of any such shares unless such security or purchase shall be necessary to prevent loss upon debt previously con-

tracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale. Every person or corporation violating the provisions of this subdivision shall forfeit to the people of the state twice the nominal amount of such stock.

6. The directors of any bank may semi-annually or quarterly declare a dividend of so much of the net profits of the corporation of which they are directors as they shall judge expedient, but each such corporation shall, before the declaration of a dividend, carry one-tenth part of its net profits earned since its last preceding dividends to its surplus fund until the same shall amount to twenty per centum of its capital. Any surplus fund already accumulated by any such corporation may be counted as part of said twenty per centum. Each corporation shall report to the superintendent of banks within ten days after declaring a dividend the amount of such dividend, and the amount of net earnings in excess of such dividend, and the amount carried to the surplus fund. Such report shall be attested by the oath of the president or cashier of the corporation. If the directors of any such corporation shall knowingly violate, or knowingly permit any of the officers, agents or servants of the corporation to violate any of the provisions of this subdivision, all the rights, privileges and franchises of the corporation shall thereby be forfeited. Such violation shall, however, be determined and adjudged by the supreme court of the state in a suit brought for that purpose by the superintendent of banks in his own name before the corporation shall be declared dissolved.

Declara-
tion of
dividends;
surplus
fund;
report to
superin-
tendent of
banks.

7. No savings bank hereafter incorporated shall do business or be located in the same room or in any room communicating with any bank, or national banking association.

§ 2. This act shall take effect immediately.

Chap. 457.

AN ACT to amend the state charities law relative to purchases, contracts and estimates by state charitable institutions.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections forty-eight and forty-nine of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities, constituting chapter twenty-six of the general laws", as amended by chapter two hundred and fifty-two of the laws of nineteen hundred and two, and chapter four hundred and seventy-three of the laws of nineteen hundred and three, are hereby amended to read as follows:

§ 48. Purchases.—All purchases for the use of the state charitable institutions, of the New York state school for the blind or of the Elmira reformatory shall be made for cash or on credit or time not exceeding thirty days; every voucher shall be duly filled up, and with every abstract of vouchers paid, there shall be proof on oath that the voucher was properly filled up and the money paid. The board of managers or trustees shall make all needful rules and regulations to enforce the provisions of this section. The fiscal supervisor, a member or officer of the state board of charities or manager or officer of any such institution, shall not be interested, directly or indirectly, in the furnishing of materials, labor or supplies for the use of any such institutions nor shall any manager or trustee act as attorney or counsel for the board of managers or trustees thereof. Such contracts shall not be let except in conformity with the provisions of this act in relation to estimates. All goods for the use of such institutions except those furnished pursuant to law by some other institution of the state shall be bought, as far as practicable, of manufacturers or their immediate agents. All contracts, if let, shall, subject to the provisions of this article relating to estimates, be awarded to the lowest responsible bidder. Each of such institutions may manufacture such supplies and materials to be used in the institution as can be economically made therein. Between the first day of July and the thirtieth day of September in each year the fiscal

supervisor shall call the superintendents of the state charitable institutions, the Elmira reformatory and the New York state school for the blind to meet at his office in Albany. The fiscal supervisor shall notify the president of the board of managers or trustees of each state charitable institution and of the Elmira reformatory and the New York state school for the blind, at least ten days in advance, of such meeting of the superintendents, and each such president may designate a member of the board of managers or trustees of which he is president to attend such meeting as a representative of such boards. The necessary traveling expenses of a manager or trustee in attendance upon such meeting shall be paid in the same manner as the traveling expenses of managers or trustees when in attendance upon meetings of boards of managers or trustees. The superintendent and managers or trustees present at such meeting shall consider, and shall determine, subject to the power granted to the fiscal supervisor in section forty-five of this article, the following matters:

1. Which articles of supplies it is practicable to purchase for all the state charitable institutions, the New York state school for the blind and the Elmira reformatory, or some of them, by joint contracts.

2. The specifications for articles of supplies to be purchased by joint contracts.

3. The provisions of the contracts under which articles of supplies are to be purchased jointly.

At such meetings of superintendents and managers or trustees there shall be designated by those present a purchasing committee, to consist of not more than six superintendents, who shall serve as such purchasing committee until the next annual meeting of superintendents and managers or trustees. Such meeting of superintendents and managers or trustees may refer to such purchasing committee any matters which might be considered and determined by such meeting of superintendents and managers or trustees. Such purchasing committee shall meet whenever so requested by the fiscal supervisor, and shall possess the same powers as the annual meeting of superintendents and managers or trustees, provided for in this section. Such purchasing committee may also consider proposals and make awards under joint contracts for the purchase of staple articles of supplies for some or all of the state charitable institutions, the Elmira reformatory

and the New York state school for the blind, and shall appoint a committee of two to execute joint contracts in accordance with such awards, subject to the approval of the fiscal supervisor. All powers conferred in this section upon the annual meeting of superintendents and managers or trustees, and upon the purchasing committee, shall be exercised subject to the powers now possessed by, or hereafter conferred upon, the fiscal supervisor of state charities.

§ 49. Plans and specifications, contracts, special orders, orders for extra work, special fund estimates, payments.—The governor, the president of the state board of charities, and the fiscal supervisor, or a majority of such officers, shall approve or reject plans and specifications for the erection, alteration, repairs or improvements of buildings or plant for any state charitable institution or for the New York state school for the blind; and no such erection, alteration, repairs or improvements shall be made until the plans and specifications therefor have been so approved. Contracts for such work of erection, alteration, repairs or improvements may be let by the board of managers or trustees, with the approval of the governor, the president of the state board of charities and the fiscal supervisor, or a majority of such officers, for the whole or any part of the work to be performed, and, in the discretion of the managers or trustees, and, subject to such approval, such contracts may be sublet. Special orders for such work in amounts less than one thousand dollars may be issued by the state architect upon authorization by the board of managers or trustees, subject to the approval of the fiscal supervisor. Copies of all such contracts and special orders shall be filed with the fiscal supervisor, with the comptroller, and with the board of managers or trustees. The fiscal supervisor and the board of managers or trustees shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind or the Elmira reformatory. A preliminary deposit or certified check drawn upon some legally incorporated bank or trust company of this state shall in all cases be required as an evidence of good faith, upon all proposals from contractors for such work, to be deposited with the superintendent of the institution for

which the work is to be performed, in an amount to be determined by the state architect. All such contracts and special orders for the erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind or the Elmira reformatory shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. All contracts in an amount greater than one thousand dollars shall have the performance thereof secured by sufficient bond or bonds, to be approved by and filed with the comptroller. All work done by special orders in an amount less than one thousand dollars need have no surety bond provided payment is to be made only after the work is completed and approved. The work of erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind and the Elmira reformatory, may be done by the employment of inmate or outside labor, either or both, and by the purchase of materials in the open market whenever, in the opinion of the fiscal supervisor and state architect, such course shall be more advantageous to the state. No compensation shall be allowed for the employment of inmate labor. Where money is appropriated for any specific purpose other than for maintenance, and the work, materials, furniture, apparatus or other supplies are not to be performed or purchased pursuant to contract or special order duly made therefor, such money shall be expended pursuant to special fund estimates made to the fiscal supervisor by the board of managers or trustees of the institution for which such appropriation is made. The provisions of this article relating to the estimates of the expense required for state charitable institutions, for the New York state school for the blind and the Elmira reformatory, shall apply to such estimates; and when such work is to be performed in accordance with plans and specifications prepared by the state architect or is to be paid for from appropriations for the erection, alteration, repairs or improvements of buildings or plant, such estimates shall also be subject to his approval. Except as above specified all such work shall be done by contract or special order. The form of the contract or special order shall be prescribed by the state architect. All payments on contracts, special orders and special fund estimates

shall be made on the certificate of the state architect and the voucher of the board of managers or trustees as the work progresses or the purchase of material is made, and upon bills duly certified, rendered and audited and approved by the fiscal supervisor. No item of an appropriation made for the performance of such work shall be available, except for advertising, unless one or more contracts, special orders or special fund estimates shall first have been made for the completion of such work within the appropriation therefor. If an appropriation be made for the erection, alteration, repairs or improvements of buildings or plant, at a state charitable institution, the New York state school for the blind or the Elmira reformatory, in an appropriation act specifying two or more objects for which the appropriation shall be applied, and any one of such objects shall have been accomplished for a less sum than the amount specified in the act, the unexpended balance shall be applicable to the completion of any other work specified in the act,—if, after due advertisements, no bids shall have been received within the amount specifically appropriated therefor. Each original bid, with an abstract thereof shall accompany the copy of the contract or special order which is to be filed with the comptroller.

§ 2. This act shall take effect immediately.

Chap. 458.

AN ACT to amend the state charities law, in relation to autopsies at Craig colony for epileptics.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision eleven of section one hundred and seven of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities, constituting chapter twenty-six of the general laws," as amended by chapter five hundred and forty-five of the laws of nineteen hundred and four, is hereby amended to read as follows:

11. Have power, subject to the supervision and control of the board of managers, in case of the death of any patient at such institution who shall have been maintained therein wholly at public expense, to make or cause to be made at the said Craig colony by a member or members of its medical staff an autopsy on the body of such patient, provided that such autopsy be made not later than twelve hours after the death of such patient and that it be confined exclusively to the brain and made in such manner as will cause the least possible mutilation, and provided also that the said Craig colony shall print conspicuously upon all application blanks used in admitting patients to the institution the fact that the officers of said colony have the above stated powers in relation to the making of autopsies.

Autopsies
on bodies
of patients
main-
tained at
state
expense.

§ 2. This act shall take effect immediately.

Chap. 459.

AN ACT to amend the state charities law, in relation to the transfer of the duties of the treasurer to the agent of Craig colony for epileptics, and to reimbursement for maintenance of inmates of the colony.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one hundred and six and one hundred and eight of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities constituting chapter twenty-six of the general laws," are hereby amended to read, respectively, as follows:

§ 106. Officers of the colony.—The board of managers shall appoint a superintendent of the colony, who shall be a well-educated physician and a graduate of a legally chartered medical college, with an experience of at least five years in the actual practice of his profession, and who shall be certified as qualified by the civil service commission, after a competitive examination, and an agent who shall also be the treasurer of the colony and shall give an undertaking to the people of the state for the faithful performance of his trust, in such sum and form and with

such sureties as the comptroller shall approve. Such officers may be discharged or suspended at any time by such board, in its discretion. The superintendent shall constantly reside in the colony.

§ 108. Duties of agent in the capacity of treasurer.—The agent in the capacity of treasurer among his other duties, shall:

1. Have the custody of all moneys received from the comptroller for the use of the colony, and all other money, notes, mortgages and other securities and obligations belonging to the colony.

2. Keep a full and accurate account of all receipts and payments as provided by law, and such other accounts as shall be required of him by the managers.

3. Balance all the accounts on his books on the first day of each October, and make a statement thereof, and an abstract of all the receipts and payments of the past year; and within five days thereafter deliver the same to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the same by a comparison with the books of the superintendent, and certify the correctness thereof to the managers at their annual meeting.

4. Render a quarterly statement of his receipts and payments to such auditing committee who shall, in like manner as above, compare, verify, report and certify the result thereof, to the managers at their annual meeting, who shall cause the same to be recorded in one of the books of the colony.

5. Render a further account of the state of his books and of the funds and other property in his custody, whenever required by the managers.

6. Receive for the use of the colony, money which may be paid upon obligation or securities in his hands belonging to the colony; and all sums paid to the colony for the support of any patient therein, or, for actual disbursements made in his behalf for necessary clothing and traveling expenses; and money paid to the colony from any other source.

7. Prosecute an action in the name of the colony to recover money due or owing to the colony, from any source; including the bringing of suit for breach of contract between private patients or their guardians and the managers of the colony.

8. Execute a lease and satisfaction of a mortgage, judgment, lien or other debt when paid.

9. Pay the salaries of the superintendent, treasurer, matron, steward, and of all employees of the colony, and the disbursements of the officers and members of the board as aforesaid, as provided by law.

§ 2. Section one hundred and fifteen of such chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, as added by chapter three hundred and fifty-six of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 115. Reimbursement for maintenance expenses.—The agent appointed as provided in this article shall secure from relatives or friends who are liable therefor, or who may be willing to assume the cost of maintenance of any inmate therein, who is not maintained as a private patient, reimbursement in whole or in part of the money expended by the state for such purpose. Such agent shall perform such other duties as the board of managers may prescribe. If the board of managers believes that any inmate of such colony, not maintained therein as a private patient, has any property, or that any relative who would be liable for his support if he were not an inmate of such institution is of sufficient ability to wholly or partly provide for his maintenance therein, such board of managers may apply to a justice of the supreme court of the judicial district in which such institution is located for an order directing the application of the property of such inmate to his maintenance in such institution, or requiring the relatives so liable for his support to pay to such institution at the time specified in such order a stated amount for such maintenance. At least ten days notice of the application of such order shall be given to such persons and in such manner as such justice shall direct, and such order shall be granted only after a hearing of parties interested who appear and desire to be heard. The relatives against whom such proceeding is instituted and who are served with the notice of the application for the order shall be deemed to be of sufficient ability, unless the contrary shall affirmatively appear to the satisfaction of such justice. If more than one relative is liable for the support of such inmate and is of sufficient ability to contribute to the expense of his maintenance in such institution, such order shall determine the portion of the expense of his maintenance to be paid by each. If the property of such inmate is not applied as directed in such order, or the relatives liable for the support of such inmate refuse

or neglect to comply with such order, the board of managers of such colony may bring an action in the name of such institution to recover the amount due such institution by virtue of such order.

§ 3. This act shall take effect immediately.

Chap. 460.

AN ACT to amend chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn," relative to revising several sections of the said charter.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn," as amended by chapter five hundred and twenty of the laws of eighteen hundred and ninety-six; chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven; chapter three hundred and forty-eight of the laws of eighteen hundred and ninety-nine; chapter four hundred and ninety-eight of the laws of nineteen hundred and two, and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 4. The elective officers of said city shall be a mayor, president of the common council, city clerk, city treasurer, recorder, city judge, a justice of the peace, six constables, and three assessors to be elected by the city at large, and in each ward an alderman and supervisor; the appointive officers of said city shall be a comptroller, a park commissioner, a fire commissioner, a commissioner of public works, a commissioner of charities, a commissioner of police, a city attorney, a city engineer, ten commissioners of deeds, a keeper of the city hall, one or more scavengers, a city sexton, and as many inspectors of election as are authorized by law. There shall be a board of estimate and control which shall consist of the mayor, comptroller, city attorney, president of the common council, and the chairman of the committee on claims and finance of the common council.

Elective
officers.

Appointive
officers.

§ 2. Section twenty-nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine; chapter five hundred and twenty of the laws of eighteen hundred and ninety-six; chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven; chapter three hundred and forty-eight of the laws of eighteen hundred and ninety-nine; chapter four hundred and ninety-eight of the laws of nineteen hundred and two and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

§ 29. At the first regular meeting in January, following its election, the common council shall appoint by ballot, ten commissioners of deeds and one or more scavengers, who shall hold office for two years and until their successors are appointed and qualify unless sooner removed by the common council. The common council shall appoint a keeper of the city hall when a vacancy occurs in the office. On the first Monday in January following his election the mayor shall appoint a commissioner of charities, a commissioner of police, a commissioner of public works, a fire commissioner, a comptroller, a park commissioner and, subject to the approval of a majority of all the members of the common council, a city attorney and a city engineer, who shall each hold office during the term of the office of the mayor and until their successors are appointed and qualify, unless sooner removed by the mayor. The city attorney and city engineer may also be removed by the concurring vote of seven members of the common council. The resignation, removal or ceasing to be a resident of said city, or death of any of said officers, shall create a vacancy which the common council or mayor, respectively, shall fill for the unexpired term.

Appointive
officers,
appoint-
ment and
terms of,
vacancies.

§ 3. Section thirty-nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter six hundred and thirty-three of the laws of eighteen hundred and eighty-seven and chapter four hundred and fifty of the laws of nineteen hundred and four is hereby further amended to read as follows:

§ 39. Department of public works: (a) Commissioner of public works.—There shall be a department of public works, the head

of which shall be a commissioner of public works appointed by the mayor. He shall, subject to the provisions of this act, other laws of the state and the resolutions and ordinances of the common council, have cognizance, direction and control of the construction, alteration, repair, care, cleaning, paving, flagging, lighting and improving streets, ways and sidewalks; of the construction, alteration and repair of all city buildings, and of all bridges belonging to the city; of all public sewers and drains in the city; and the care, superintendence and management of all grounds belonging to the city except as otherwise provided in this act; but in the exercise of his powers and the discharge of his duties, he shall make no expenditures, nor shall he create any debt against the city, unless he be authorized so to do by the general or special resolutions or ordinances of the common council, except as provided in this act. Subject to the approval of the mayor, the commissioner of public works may appoint a street superintendent; he may also appoint as many subordinates as the board of estimate and control shall prescribe and the common council approve.

(b) **Street superintendent.**—The street superintendent shall personally supervise the making and repair of streets and other highways and of bridges, and act in all things, except as in this act otherwise provided, under the direction of the commissioner of public works.

(c) **Sidewalk inspector.**—Subject to the approval of the mayor, the commissioner of public works may appoint one or more sidewalk inspectors who shall inspect sidewalks within the city, and see that the provisions of this act and of all ordinances relating to sidewalks are strictly enforced; who shall serve personally, when possible, all certified copies of all sidewalk resolutions passed by the common council; who shall report to the commissioner of public works, the location of all sidewalks, the condition of which, require new walks to be laid and all walks needing repairs, but not in a dangerous condition, and perform such other duties as the common council shall require and direct.

(d) **City sexton.**—Subject to the approval of the mayor, the commissioner of public works shall appoint a city sexton, when a vacancy in the office occurs, who shall under the direction of the commissioner of public works have charge of the burial

grounds of the city, and shall perform such other duties as the common council may prescribe.

(e) **City engineer.**—There shall be a city engineer, appointed by the mayor, subject to the approval of a majority of all the members of the common council, who shall hold office during good behavior, but is subject to removal at any time at the pleasure of the mayor or by the concurring vote of seven members of the common council. He shall be a civil engineer of at least two years' practical experience in his profession. It shall be his duty to perform all the ordinary engineering and surveying services needed in the affairs and business of the city, and to supervise, under the general directions of the commissioner of public works, all the work done for the city in which the skill of his profession may be required or useful. He may appoint such assistants as the board of estimate and control shall prescribe and the common council approve.

(f) **Park commissioner.**—The mayor shall appoint a park commissioner who shall have under the direction of the mayor, the care, management, custody and control of all the parks of the city, and of all the grass plats and shade trees standing outside of private grounds. Subject to the direction of the mayor he shall prescribe the powers and duties of his subordinates. Subject to the resolutions and ordinances of the common council and the direction of the mayor, he shall have the expenditure of all money apportioned to this branch of the department by the action of the board of estimate and control and of the common council as in this act provided. He shall keep an account of such expenditures and prepare bills against the city in items for the same, in such form, with such verification and vouchers as may be prescribed by the comptroller, and, such bills shall be submitted to the comptroller, and, when finally audited, as in this act provided for other city claims, shall be paid by the city treasurer as provided in the case of other claims against the city. The commissioner, under the direction of the mayor, may employ all the laborers needed upon the parks, grass plats and trees above mentioned, and shall fix their wages, subject to the approval of the board of estimate and control, and the common council. He shall conduct with the aid of the city attorney, all negotiations and proceedings for the acquisition of land for any park, or for any

addition to any park, when the acquisition of such land shall have been authorized by resolution passed by the affirmative vote of at least four-fifths of the members elected to the common council; and when such lands shall have been acquired, he shall regulate and improve the same for park purposes. He shall also make such rules, regulations and ordinances not inconsistent with the ordinances of the common council and the laws of the state as he may deem proper for the government, management, and care of all parks, grass plats and shade trees above mentioned, and such rules, regulations and ordinances, when approved by the common council, and published three times in two daily newspapers published in said city, shall have the force and effect of city ordinances. He shall also have the power to regulate the erection, placing, constructing, laying, stringing, maintaining and removing of all wires, cables, electrical conductors, poles, overhead construction, conduits and subways upon, over and under the public streets, and places within said city, subject to the approval of the fire marshal, as to safety. No poles of any kind shall be erected upon any street within the city limits unless a map showing its exact location be duly approved by the park commissioner, and placed on file in the office of the city engineer. No one shall cut down, trim, injure or deface any shrub, bush or tree standing outside private grounds unless duly authorized by the park commissioner. He shall also have such other powers and be charged with such other duties not inconsistent with the provisions of this act and the other laws of the state, as the mayor may direct or as the common council may, by resolution and ordinance, define and prescribe.

Section
repealed.

§ 4. Section fifty-one of chapter fifty-three of the laws of eighteen hundred and seventy-nine is hereby repealed.

§ 5. Section one hundred and nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

Improve-
ment and
repair of
streets and
highways.

§ 109. The commissioner of public works may grade, regrade, pave, repave, flag, reflag, macadamize or cover with hard material and improve and repair streets, highways, alleys, public lanes,

and squares in said city. The expense of all street repairs shall be paid out of and from the money set apart by the board of estimate and control and the common council. In proceedings for paving or repaving a street or any part thereof (other than repairs), such paving or repaving shall include, when needed, the relaying of sidewalks to proper grade, making lawns between sidewalk and gutter conform to said grade, the furnishing, grading for and setting or resetting of the curb and gutter, on both sides of the street. When a street or any part thereof is paved or repaved (excepting repairs) and completed, the common council shall determine the aggregate cost of the improvement including the relaying of sidewalks to proper grade, making lawns between sidewalk and gutter conform to said grade, furnishing, grading for, setting and resetting of curbs and gutters, and shall direct the payment thereof from the paving fund.

§ 6. Section one hundred and ten of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

§ 110. The commissioner of public works, may, subject to the approval of the mayor, cause any of the improvements mentioned in the preceding section, to be done by the street superintendent, or by contract, in which latter case he shall cause a notice to be published for six days, in two daily newspapers published in said city, specifying briefly the improvement, and where the same is to be made, and that sealed proposals to contract therefor or for some part thereof to be specified, will be received by the mayor up to the time named in said notice; each sealed proposal shall be accompanied by a certified check, payable to the order of the city of Auburn for such amount as the commissioner of public works shall designate, to become and be the property of the city, if such proposal be accepted and the person, persons or corporation making it does not, within fifteen days after notification of its acceptance, enter into and execute a contract to do such work in conformity with the specifications and the proposal accepted, and execute and deliver concurrently therewith a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or

Street
improvements,
how made.

more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars, by the contractor. Instead of such certified check each sealed proposal may be accompanied in the first instance by a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars. The mayor may reject any and all of the proposals if he deems it for the interest of the city so to do.

§ 7. Section one hundred and twelve of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine and chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five, is hereby further amended to read as follows:

Changing
line of
grade.

§ 112. When the commissioner of public works shall grade or regrade a street, highway, public lane, alley or square, which is already provided with sidewalks, curbs and gutters, laid or set according to grades previously established by the city, and in so doing shall change the line of grade or curbstone or gutter, the grading and regrading for sidewalks, making lawns between sidewalk and gutter conform to proper grade, and the resetting of curbstone and gutter shall be done and the expense thereof defrayed in the same manner as other improvements upon streets, highways, public lanes, alleys and squares, except as otherwise provided in section one hundred and nine of this act.

§ 8. Section one hundred and thirteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven, is hereby further amended to read as follows:

Removal of
snow, ice
and other
obstruc-
tions;
repair of
sidewalks.

§ 113. The owner or occupant of lands fronting or abutting on any street, highway, traveled road, public lane, alley or square, shall make, maintain and repair the sidewalk adjoining his lands

and shall keep such sidewalk and the gutter free and clear of and from snow, ice and all other obstructions. Such owner and occupant and each of them, shall be liable for any injury or damage by reason of omission, failure or negligence to make, maintain or repair such sidewalk or to remove snow, ice or other obstructions therefrom, or for a violation or non-observance of the ordinances relating to making, maintaining and repairing sidewalks and the removal of snow, ice and other obstructions from sidewalks, curbstones and gutters. Whenever the commissioner of public works or a sidewalk inspector shall ascertain, have knowledge of, be notified or informed that a sidewalk or any part thereof is in a dangerous condition or in such condition that injury is liable to result from its use, from want of repair, failure to remove snow, ice or other obstruction therefrom or other cause, and such condition can, in his judgment, be remedied without laying a new walk, he shall properly guard the same, and as soon as practicable serve a written notice upon the owner or occupant of the abutting lot, if the same is occupied, requiring such owner or occupant to repair said walk or remove and remedy the dangerous or defective condition thereof, in the manner specified in said notice, within twenty-four hours after such notice. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of such owner or occupant, within said city. If such abutting lot is vacant or if the buildings thereon are unoccupied, and the owner is a non-resident or absent from the city, or if occupied and the owner or occupant neglects or refuses to make the repairs or remedy or remove the dangerous or defective condition of said walk, as directed by said notice, and within the time limited therefor, the commissioner of public works or a sidewalk inspector shall immediately make such repairs or remedy and remove such dangerous or defective conditions, and shall serve an itemized statement of the expense thereof upon the owner or occupant in the same manner as provided for the service of the notice to repair. If such owner is a non-resident or absent from the city, and the lot vacant or the buildings thereon unoccupied he shall serve such notice by depositing the same, inclosed in a sealed envelope, directed to such owner at his place of residence or where he may temporarily be (according to the best information he may be able to obtain) in the post-office and prepaying the postage thereon. If such dangerous or

Notice to
repair sidewalk and
remove obstructions,
service of

Repair of
sidewalks
and re-
moval of
obstruc-
tions by
commis-
sioner of
public
works.

defective walk is in front of property owned or occupied by the city or any of its departments exclusively, the commissioner of public works or a sidewalk inspector shall immediately repair the same or remove the snow, ice or other obstruction thereon, causing such defective or dangerous condition, at the expense of the city, or department occupying the premises abutting upon said walk. The commissioner of public works shall make a report of the facts, containing a certificate of the expenses incurred by him, in each case, except for a city department, in detail to the common council at its first regular meeting in each month, and in a book to be kept for that purpose, shall cause to be recorded the date of receipt of all notices, and all proceedings and expenses incurred, in each case, in detail. The commissioner of public works shall cause to be made, a copy of all notices served which, with proof of service thereof, he shall file in the office of the city clerk, at least once in each month. No error or mistake in the name or place of residence of any owner or occupant to whom such notices or either of them are addressed, or upon whom they or either of them, are served shall invalidate or in any manner affect the validity or legality of such service or of the subsequent proceedings taken and done by the commissioner of public works, sidewalk inspector or common council, and the amount of such expense shall nevertheless be a lien upon the premises abutting upon such walk, the same in all respects as if such error or omission had not occurred. The common council upon receiving such report shall give the same notice, determine the amount of such expenses, and take the same proceedings in all respects, and payment of such determined expense shall be enforced and compelled, in the same manner and with the same force and effect, as is required and provided in section one hundred and fifteen of this act for the notice, hearing, determination and collection of the expense of laying, relaying, grading and regrading of sidewalks, curbs and gutters when done by the commissioner of public works. The amount so determined shall be a lien on said premises and may be enforced in the manner provided in said section. When the commissioner of public works or a sidewalk inspector shall repair or clean sidewalks in front of property occupied by a city department which is chargeable under the provisions of this section with the expense of repairing and cleaning sidewalks in front of property occupied by it, the commissioner of public works shall render a

Error in
name or
place of
residence
not to
affect
validity of
service or
subsequent
proceed-
ings.

Deter-
mination
of amount
of expenses.

Amount
determined
to be a
lien on
premises.

bill of the expense incurred, to the said department, and the same shall be audited and paid in the same manner as any other claim against said department. The amount of expenses incurred under this section, when so determined, shall be paid from and charged to the street department account and when collected shall be credited to said account.

§ 9. Section one hundred and fourteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven, is hereby further amended to read as follows:

§ 114. The common council may require the making, laying, relaying, repairing, grading and regrading of sidewalks, and of curbstone or gutter adjoining such sidewalk, on any street, highway, traveled road, public lane, alley or square, within a fixed time not less than two weeks, and fix, determine and prescribe the width and other dimensions thereof, and the kind and quality of material to be used in the construction thereof, and if of flagging, the width and of the dimensions of the several pieces to compose the same; and in default of the same being done in the manner and of the materials and dimensions required by it, by the owner or occupant of land in front of which such sidewalk, curbstone or gutter is required to be made, laid, relaid, repaired, graded or regraded, within the time fixed therefor by the common council, may cause the same to be done, and collect the expense thereof in the manner provided by the next section. Whenever the common council shall require the making, laying, relaying, repairing, grading or regrading of any sidewalk, or of any curbstone or gutter adjoining such sidewalk, it shall cause notice thereof to be given to the owner or occupant of the lands in front of which it requires the same, either by causing a certified copy of the resolution directing the same to be personally served upon such owner or occupant within three days after its approval by the mayor or by causing a copy of such resolution to be published twice a week for two successive weeks before the expiration of the time limited in such resolution for the performance of such requirement in a newspaper published in said city, and by depositing a copy of such resolution in the post-office of said city, at least two weeks previous to the expiration of the time therein limited for the performance of such require-

Common council may prescribe material to be used in construction and repair of sidewalks.

Notice to lay or repair sidewalks, gutters, curbs, etc.

ment directed to the owner or occupant of such lands, and prepaying the postage thereon.

§ 10. Section one hundred and fifteen of chapter fifty-three of the laws of eighteen hundred and seventy-nine, is hereby amended to read as follows:

§ 115. If the owner or occupant shall fail to make, lay, relay, repair, grade or regrade sidewalk, curbstone or gutter within the time required in the notice, the common council shall direct the commissioner of public works to cause the same to be done, and upon the completion thereof, the commissioner of public works shall report the fact to the common council with the expenses incurred for doing the same. The common council upon receiving such report, shall cause at least five days' notice to be given to the owner or occupant of the lands in front of which such work has been done, describing briefly the work and the expense thereof, which shall include fees for publishing notices requiring the work to be done, and shall notify such owner or occupant to appear before the common council at their room, at the time named in said notice, when an opportunity shall be given him to contest the amount of said expenses and fees; said notice shall be served by mail in the same manner as notices prescribed in the last preceding section. The common council shall, at the time appointed, determine the amount, and its action shall be final and conclusive. The city clerk shall certify the amount so determined, to the city treasurer, who, if the same is not paid within thirty days, shall add one per centum per month thereafter until the same is paid, and if not paid previous to the collection of the annual city taxes, the amount, including the percentage up to that time, shall be added to the annual tax on said lands, and thereafter the aggregate amount shall be regarded and described in all proceedings as tax, and shall be collected at the same time and in the same manner, with like percentage, and with like power and effect as the July installment of the annual city tax. The amount so determined shall be a lien on said lands until paid. And such lien may be enforced by action in any court having jurisdiction to foreclose mortgages upon real estate.

§ 11. Section one hundred and twenty-nine of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter one hundred and eighty-two of the laws of

Repairing
and laying
sidewalks,
curbs,
gutters by
the city,
proceed-
ings for.

100.] ONE HUNDRED AND TWENTY EIGHTH SESSION. 101
eighteen hundred and eighty-one; chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

§ 129. There shall be a fire department in said city to consist of a fire commissioner, a chief of department, an assistant chief, a fire marshal, and a competent number of able-bodied men organized into companies. The mayor shall appoint as head of the fire department a fire commissioner who shall hold office at the pleasure of the mayor. He shall make, subject to the approval of the mayor, rules and regulations for the management of the department. The fire commissioner shall employ as many men to serve as firemen as shall be recommended by the board of estimate and control and approved by the common council. He shall appoint from the number so employed a chief of department, an assistant chief and captains.

Fire department, officers of; rules and regulations for.

§ 12. Section one hundred and thirty of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five, is hereby further amended to read as follows:

§ 130. The fire commissioner shall have the power to enter, from time to time, any public building within said city, for the purpose of inspecting the means of exit therefrom in case of fire. He shall have the power to compel the owner or lessee of any such building to make such changes by way of additional means of exit, or of fire escapes, or both, as he shall, by written order direct, and to fix the time within which such changes shall be made. In the meantime and until such changes shall be completed, if such building be a place of amusement, the said commissioner may, in his discretion, order and determine that the same shall be closed to the public. The said commissioner may maintain suit in the name of "The fire commissioner of the city of Auburn", to enforce compliance with any order he may lawfully make in the premises.

Powers of fire commissioner.

§ 13. Section one hundred and thirty-one of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three; chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five and chapter three hun-

dred and forty-eight of the laws of eighteen hundred and ninety-nine, is hereby further amended to read as follows:

Suspension
and dis-
missal of
members
of the
fire depart-
ment.

§ 131. Any member of the fire department may be publicly reprimanded or suspended with or without forfeiture of pay, for a period not exceeding twenty days, by the chief of department or may be deprived of any official position he holds in the department and reduced to the ranks or dismissed by the fire commissioner, for the commission of any criminal offence, neglect of duty, violation of rules or regulations of the fire department, disobedience of orders, absence without leave, corrupt or improper conduct or conduct unbecoming an officer, breach of discipline or incapacity. No member of the fire department shall be dismissed by the fire commissioner until after an opportunity is given him to be heard before said commissioner, upon a notice of six days, accompanied with a copy of the charges preferred.

§ 14. Section one hundred and thirty-two of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

Fire
marshal,
powers and
duties of.

§ 132. The fire commissioner, subject to the approval of the mayor, shall appoint a fire marshal whose duties shall be as follows: The fire marshal shall have power to enter and examine all buildings in said city, to ascertain as to their construction and whether any danger from fire exists therein or therefrom; he shall attend and investigate all fires and their causes and report the same to the fire commissioner; he shall enforce all ordinances of the city relating to the prevention and protection from fires, and all ordinances established by the fire commissioner and common council relating to the prevention of and protection from fires. The said commissioner is hereby authorized to prescribe such ordinances, as he shall deem necessary, governing the maintenance, repair and erection of buildings in said city, the placing, regulating, inspecting and control of electric and other wires therein and thereon; the requirements of fire protection and the general control and powers of the fire marshal, which when ratified and approved by the common council and published three times in two daily newspapers published in said city, shall have the same force and effect as an ordinance by the common

Erection
and repair
of build-
ings, ordi-
nances
relative to.

100] ONE HUNDRED AND TWENTY-THIRD ANNUAL MEETING 1913

council enacted. Such ordinances shall prescribe penalties for the violation of the same, and an action may be maintained, in the name of the city of Auburn, in any court of competent jurisdiction to collect such penalties, not exceeding one hundred dollars for each violation or refusal to obey the same; or to restrain by injunction any violation, or otherwise to enforce such ordinances or either of them. Every person who shall wilfully violate or refuse to obey any ordinance, made and published as herein directed, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, in the discretion of the court, such fine not to exceed five hundred dollars, nor such imprisonment six months. The fire commissioner shall have power, in all investigations or examinations which he may order with regard to any fires or fire alarms, to hear evidence, bring before him persons, books and papers by subpoena as provided by sections eight hundred and fifty-two and eight hundred and fifty-four of the code of civil procedure, and the enforcement of obedience to such subpoena, and penalty for a violation thereof, or a refusal to be sworn and testify upon such hearing shall be the same and conducted in the same manner as provided by sections eight hundred and fifty-five, eight hundred and fifty-six, eight hundred and fifty-seven and eight hundred and fifty-eight of the code of civil procedure; said commissioner shall have power to administer an oath for the purposes of said examination, as provided by section eight hundred and forty-three of the code of civil procedure. A witness who testifies falsely upon such examination is guilty of perjury and shall be punished in the same manner as if committed upon the trial of a civil action.

Violation of ordinances, penalty for

Powers of fire commissioner to investigate fires.

§ 15. Section one hundred and thirty-three of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

§ 133. The fire commissioner shall have charge of the property now owned or hereafter acquired by the city in the possession of the fire department.

Property of fire department, control of.

§ 16. Section one hundred and thirty-four of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by

chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five; chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine and chapter four hundred and fifty of the laws of nineteen hundred and four, is hereby further amended to read as follows:

Firemen's
relief and
pension
fund.

§ 134. The common council shall have power to establish a fund to be known as the "firemen's relief and pension fund." The board of estimate and control shall, subject to the approval of the common council, provide for the same by resolution, except as otherwise provided in this act. Any relief or pension fund for the benefit of members of the fire department now existing or any such fund which shall hereafter be created, increased or extended shall be maintained, managed and controlled by the comptroller of the city, who shall be the trustee of the fund for the purposes for which it was created. The two per centum tax required by section one hundred and thirty-three of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, (or any amendment thereof) to be paid by foreign fire insurance corporations, associations or individuals, or their agents, to the treasurers of fire departments of cities and villages in this state, and all similar taxes, now or hereafter required by any statute of this state, to be paid for like purposes, shall within the city of Auburn be paid to the city treasurer who shall place the same, together with all fines imposed on members of the fire department by the chief of department or the fire commissioner and paid to him, and all donations made to said commissioner or to the fire department direct, for relief and pension purposes, to the credit of the fireman's relief and pension funds, except that he shall pay to the treasurer of the firemen's association of the state of New York ten per centum of the amount received by him from the said two per centum tax for the support or maintenance of the volunteer firemen's home at Hudson, New York. The fire commissioner shall, subject to the approval of the board of estimate and control, establish rules and regulations for the distribution and payment of relief and pensions to sick, disabled or retired members of the fire department.

§ 17. Section one hundred and thirty-five of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter two hundred and twenty-six of the laws of eighteen

hundred and ninety-three, is hereby further amended to read as follows:

§ 135. The fire marshal or in his absence from the city, the fire commissioner at any fire may by written direction signed by him, command the chief of department or in his absence the assistant chief, to pull down or destroy any buildings which the said fire marshal, or in his absence from the city, the fire commissioner, shall deem hazardous or likely to communicate fire to any other building or buildings, and no action shall be maintained against the city of Auburn nor against any person therefor; but the owner, or any person interested in any building so pulled down or destroyed, or any personal property therein, may within three months, but not thereafter, apply to the common council by petition, stating the interest of the petitioner in said building, or the personal property therein destroyed, with the particular description of the property destroyed and its value.

Destruction of hazardous buildings.

§ 18. Section one hundred and forty of chapter fifty-three of the laws of eighteen hundred and seventy-nine as amended by chapter five hundred and thirty-six of the laws of eighteen hundred and ninety-five; chapter one hundred and seventy-two of the laws of eighteen hundred and ninety-seven and chapter four hundred and ninety-eight of the laws of nineteen hundred and two, is hereby further amended to read as follows:

§ 140. The city of Auburn shall not be liable for damages or injuries sustained by any person, in consequence of any sidewalk in said city being defective, out of repair, dangerous from any cause, obstructed by snow or ice, or in any other way or manner, unless actual notice of the defective, dangerous, unsafe or obstructed condition of such sidewalk shall have been given to the commissioner of public works or a sidewalk inspector, at least forty-eight hours previous to such damage or injury. No action shall be maintained against the city of Auburn for any injury received or damage sustained by reason of the negligence of said city or any of its departments, boards, officers, agents or employees, unless written notice specifying the time, place and cause of such injury or damage, and of an intention to commence an action against the city therefor, shall have been filed with the city attorney within sixty days after such injury shall have been received or damage sustained, if notice be filed

Liability of city for injuries caused by defective walks.

by or in behalf of the person injured, or sustaining damage, and within six months if presented by his or her legal representatives, nor unless such action shall have been commenced within one year after such injury was received or damage sustained. No costs, fees, disbursements, or allowances shall be recovered or inserted in any judgment against said city or against any of its officers or authorized agents, when the city would be liable to respond to such officer or authorized agent, unless the claim, whether arising on contract, express or implied, negligence or tort, upon which such judgment is founded, shall have been presented for payment to the common council at least thirty days before the commencement of an action thereon.

Laws repealed.
Existing rights not affected by repeal.

§ 19. All statutes of the state, ordinances of the common council, and acts and parts of acts so far as inconsistent with the provisions of this act are, so far as the city of Auburn is concerned, hereby repealed, but such repeal shall not affect any right already existing or accrued, or any liability incurred by reason of any violation of any law heretofore existing, or any suit or proceeding already instituted, or action had under the laws or ordinances unless otherwise expressly provided in this act. But nothing herein contained shall be construed so as to affect any of the several acts or parts of acts to regulate and improve the civil service of the state of New York.

Act construed.

§ 20. Nothing contained in this act shall be construed to repeal any statute of the state or ordinance of the city or rule or regulation of the board of health not inconsistent with the provisions of this act and the same shall remain in full force and effect, when not inconsistent with the provisions of this act, to be construed and operated in harmony with the provisions of this act. The powers which are conferred and the duties which are imposed upon any officer or department of the city under any statute of the state, or any city ordinance, which is in force at the time of the taking effect of this act, shall, if such office or department be abolished by this act, be thereafter exercised and discharged by the officer, board or department upon whom is imposed corresponding or like functions, powers and duties under the provisions of this act. Where any contract has been entered into by the city, prior to the time of the taking effect of this act, or any bond or undertaking has been given to or in favor of the city, which contains provisions that

the same may be enforced by some officer, board or department therein named, but by the provisions of this act such office, board or department is abolished, such contracts, bonds and undertakings shall not in any manner be impaired, but shall continue in full force and the powers conferred and the duties imposed with reference to the same upon the officer, board or department which has been abolished, shall thereafter be exercised and discharged by the officer, board or department upon whom is conferred or imposed like powers, functions or duties under the provisions of this act. Nothing in this act shall be construed to amend or repeal any provisions of the penal or criminal code.

§ 21. This act shall take effect January first, nineteen hundred and six.

Chap. 461.

AN ACT to amend chapter three hundred sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva," generally.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-three of title four of chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, as amended by chapter six hundred and fourteen of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 43. Control of finances.—The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to the city, except as otherwise provided by this act, or by any other provision of law not inconsistent therewith, and shall have the power to contract, for a term of not exceeding five years, with any person, persons or corporation to furnish light for the city by means of electricity, gas or other approved system. The common council shall have the management and control of the sinking fund raised for the pay-

ment of bonds of the city of Geneva, and shall direct the investment and reinvestment thereof. The common council may invest the moneys belonging to such fund in any securities allowed by law to savings banks of this state at the time of such investment and subject to the same restrictions and limitations, and, for the purpose of investing said fund, may purchase or subscribe for bonds of the city of Geneva, and hold the same as other investments. All bonds so purchased by the city shall have plainly written or printed thereon, when purchased, the following words, namely: Purchased by the city of Geneva not transferable except by resolution of the common council. Whenever it shall be necessary for the common council to borrow money for any of the purposes mentioned in sections one hundred forty-one, one hundred forty-four or sixty-five-a of this act, the common council may cause any moneys then in said sinking fund, or, upon obtaining the consent of the board of public works, any unemployed funds held in reserve by the city as a guaranty for the performance of contracts for public improvements, to be applied to the purposes for which said loans are authorized until such time as necessary funds shall have been raised by taxation or the issue and sale of bonds as in said sections provided, at which time the amounts so withdrawn shall be returned to the respective funds from which they were transferred. Nothing herein contained shall be construed to permit the use of such guaranty funds beyond the period at which they become due on the contracts under which they were retained.

§ 2. Section forty-four of said act, as amended by chapter six hundred fourteen of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 44. Penalties for violation of ordinances.—In any and all ordinances, rules and regulations ordained or adopted by the common council, except as otherwise provided in this act, said council may prescribe for every violation thereof by imposing a penalty of not exceeding fifty dollars or by a fine not exceeding fifty dollars and imprisonment in the county jail of Ontario county until such fine be paid, not exceeding one day for each dollar of the fine imposed.

Fire limits.—The common council shall have power by ordinance or resolution, to prescribe limits in the city within which wooden buildings shall not be constructed, removed, added to or

enlarged without permission of said common council given by the votes of two-thirds of all the members elected thereto, and to alter and extend such limits from time to time, and to direct that any or all buildings and partition walls within such limits shall be constructed of stone, brick or iron, with fireproof roofs, on such buildings, and to prohibit the repairing or rebuilding of wooden buildings within such limits whenever they shall be damaged by fire to the extent of fifty per centum of their value, such damages to be determined by the board of fire commissioners, and upon the trial for violations of such ordinance or resolution, the records of the board of fire commissioners shall be evidence of such determination. The common council shall also have power, by ordinance or resolution, whenever it shall determine that public safety and protection against fire so requires, to compel the removal and regulate the erection and maintenance of all telegraph, telephone or electric light wires or cables, or other appliances for conducting electricity and the poles connected therewith, in any place within the corporate limits of the city of Geneva. For violations of such ordinances or resolutions made pursuant to the provisions of this section the common council may prescribe penalties and fines to the amount of two hundred and fifty dollars, and imprisonment in the county jail not exceeding one hundred days; and that such penalties, fines and imprisonment may be again imposed in case of continuing the building and repairing in such ordinances or resolutions prohibited. And the common council shall also have the power to pass such ordinances for the government and discipline of the fire department as the board of fire commissioners may request. The term "wooden buildings" as used in this section shall be construed to include wooden buildings covered with corrugated iron or other metal.

§ 3. Subdivision number ten of section fifty-eight of said act, as amended by chapter four hundred five of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 10. Conduits.—To construct conduits for carrying telegraph, telephone or electric light wires or cables, or other appliances for conducting electricity in any street, section of a street or place within said city, and the expense thereof shall be paid out of the highway fund. If there shall not be sufficient money in the highway fund for that purpose, and to meet the necessary street

expenses until taxes for the next year are paid in, the board of public works shall report the deficiency to the common council, which shall borrow the necessary amount and pay it into the highway fund, and include it in the next tax levy, and the amount so borrowed shall be repaid within one year from the proceeds of such tax. But the common council may, in its discretion, instead of including the amount in the next tax levy, issue bonds for the amount so borrowed, or any part thereof, in such amounts and for such times as it shall deem advisable. Any bonds, however, so issued shall not be sold for a sum less than the par value thereof, and shall bear interest at a rate not exceeding five per centum per annum, and the provisions of section one hundred and eleven of title twelve of this act shall apply as to the payment of the principal and interest of said bonds. Whenever the board of public works shall by resolution determine that public safety requires the removal of telegraph or electric wires or cables, or electric feed cables of any street railway company or other appliances for conducting electricity or the poles connected therewith from any street or public place in said city in which conduits shall have been constructed, it shall have power, by ordinance or resolution, to require any company, corporation or individual to take down and remove the same and place all such wires, cables and appliances for conducting electricity in conduits under the surface of the ground, in such manner as shall be directed by the said board of public works and subject to such reasonable regulations and restrictions as such board may make and impose in respect thereto for the benefit of the public, the city or its citizens, and compliance with such ordinance or resolution may be enforced by mandamus by any court of competent jurisdiction upon the application of the city as relator. Any company, corporation or individual using any such conduit shall be charged for the space occupied therein a reasonable rental to be fixed by the board of public works and the amounts so charged shall be paid to the city treasurer and by him placed in the highway fund. If any company, corporation or individual shall refuse or neglect to pay the amount of such rental at such time and in such manner as the board of public works may direct, the city may sue for the same and recover the amount thereof in any court of competent jurisdiction. Nothing herein contained shall be construed as authorizing the board of public works to require that any particular

patent or appliance shall be used in the construction of any such conduits nor as preventing such board of public works from authorizing any company to construct its own conduits in any street in said city.

§ 4. Section sixty-one of said act is hereby amended to read as follows:

§ 61. Highway, park, water and sewer funds.—The amount raised to defray the expenses of maintaining, repairing, paving and cleaning the streets, public places and public squares, and, except as otherwise provided in this act, for the laying out and alteration of streets, shall be kept in a separate fund, to be called the highway fund. The amount raised for the ornamentation, maintenance and improvement of the public works shall be kept in a separate fund, which shall be called the park fund. The amount raised for the maintenance and repair of the water works and for the construction and extension thereof, except as otherwise provided in this act, and, also, all sums received from water rates, shall be kept in a separate fund to be called the water fund. The amount raised for the construction, extension and maintenance of the sewers shall be kept in a separate fund, to be called the sewer fund.

§ 5. Section sixty-two of said act, as amended by chapter two hundred ninety-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 62. Control and payment of fund.—The highway fund, sewer fund, and the water fund shall be under the control of the board of public works; shall be paid out by the city treasurer only upon warrants drawn by the said board upon the treasurer and signed by the president of the board of public works and the superintendent of public works, stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, what the payment is for and from what fund it is to be made, with a reference to the resolution authorizing the payment and specifying the date thereof.

§ 6. Title five of said act is hereby amended by adding thereto a new section known as section sixty-five-a, to read as follows:

§ 65-a. Sewers; construction and extension.—Whenever the board of public works shall contemplate the building or extension of any sewer within the city, it shall require the superintendent of public works to cause plans of the construction and estimates of

the cost thereof to be prepared, which plans and estimates shall remain on file in the office of the board. It shall then publish a notice in one or more newspapers of the city once a week for two weeks of the time when it will hear all persons interested in the construction of the sewer, and such notice shall contain a brief description of the character, location and extent of the proposed improvement. After such hearing the board shall determine whether the contemplated sewer shall be constructed; and in case it shall determine that the same shall be constructed, it shall record an order to that effect in its minutes and shall immediately thereafter transmit to the common council copies of such order, plans and estimates. If the common council shall by resolution authorize the expenditure proposed, the board of public works shall cause such improvement to be made and any expenses incurred in the construction or extension of any such sewer shall be a charge upon the city of Geneva. The amount of any expense so incurred shall be paid out of the sewer fund, and if there shall not be sufficient money in said fund for that purpose and to meet the necessary sewer expenses until taxes for the next year are paid in, the board of public works shall report the deficiency to the common council. The common council shall thereupon borrow the necessary amount and pay it into the sewer fund and include it in the next tax levy, and the amount so borrowed shall be repaid within one year from the proceeds of such tax. But the common council may, in its discretion, instead of including the amount so borrowed in the next tax levy, issue bonds for the amounts so borrowed, or any part thereof, in such amounts and for such time as it shall deem advisable. Any bonds, however, so issued, shall not be sold for a sum less than the par value thereof and shall bear interest at a rate not exceeding five per centum per annum. Said bonds shall be sold under the direction of the common council of said city and the same procedure shall be had with respect to such sales, as near as may be, as on the sale of bonds issued on account of street improvements under title thirteen of this act. The provisions of section one hundred and eleven of title twelve of this act shall apply as to the payment of the principal and interest on said bonds. All moneys realized from the sale of bonds shall be paid into the sewer fund and paid out only for the purposes for which the expenditure was authorized. Nothing herein contained shall be deemed to repeal any existing

provision of law with respect to the building of lateral sewers for the convenience of private property or the expense of the construction thereof.

§ 7. Section seventy of said act is hereby amended to read as follows:

§ 70. **Enforcement of rules.**—The said board shall have power, and it shall be its duty to enforce all lawful rules, ordinances and regulations made by the common council with regard to fire limits, so called, and the erection or maintenance of buildings within such limits, and said board shall have power and it shall be its duty to enforce all lawful rules, ordinances, resolutions and regulations made by the common council in regard to the erection, maintenance or removal of telegraph, telephone or electric light wires or cables or other appliances for conducting electricity or poles connected therewith.

§ 8. Section one hundred and two of said act, as amended by chapter six hundred and fourteen of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 102. **Jurisdiction in criminal cases.**—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for or on account of offenses committed or charged to have been committed within the city, shall have all the jurisdiction and authority which a justice of the peace of a town would have if such offense were committed or charged to have been committed in the town, including bastardy proceedings. The city judge shall have all the power and jurisdiction in proceedings respecting bastardy conferred upon one or more magistrates by chapter one of title five of the code of criminal procedure, and, it shall not be necessary for the city judge to associate with himself another magistrate in such proceedings. And the city court shall possess and exercise all the powers conferred upon courts of special sessions, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions, except as herein otherwise provided, and upon a conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court. The city judge and the city court shall also have jurisdiction to try and determine all questions of violation of any and all city ordinances, rules and regulations and upon conviction to impose

the punishment provided by law. All persons who shall be intoxicated in any street, park, alley or public place in said city, and all persons who shall, by noisy, tumultuous or riotous conduct, disturb the people; and all persons who shall have incited or induced dogs to fight, or be engaged in inciting and causing them to fight, in any street or public place in the city; and all persons who shall fight on any street or public place in the city; and all persons who shall blow horns, halloaing, or otherwise making loud noises, tending to disturb the quiet of the people without just cause; and all persons who shall break or injure any apparatus connected with the public lighting, fire alarm, or telephone system or systems within the city, or shall wilfully, and for the purpose of disturbance or mischief, give or create any false alarm of fire, or remove from or pile up before any door, boxes, casks or other things for the purpose of annoyance and mischief; and all persons who shall wilfully throw ink, or other liquid, or any missile in, upon or against any building of the city, or through any window thereof; and any person who shall wilfully break, injure or deface any fence, trees, shrubbery or other property of the city, are hereby declared disorderly persons, and are guilty of a misdemeanor. The city judge and the city court shall have the power in cases of persons brought before him charged with intoxication in any street or public place in said city, to proceed summarily and without a jury, to try said persons, and if found guilty, to punish them as provided by law. Any female of, or over the age of sixteen years, who frequents a house of ill-fame or assignation, or a disorderly house of any description, or a house or place for persons to visit for unlawful sexual intercourse, or for any lewd, obscene, or incestuous purpose, is guilty of a misdemeanor.

§ 9. Section one hundred and seventeen of said act is hereby amended to read as follows:

§ 117. Fees for collection.—All taxes or assessments paid within thirty days after the first publication of the treasurer's notice shall be payable without fee, percentage or interest thereon. On all taxes or assessments remaining unpaid after the expiration of such thirty days, the treasurer shall collect one per centum additional, and all taxes and assessments remaining unpaid after the expiration of ninety days, from such first publication shall bear, and there shall be collected thereon, in addition thereto

one per centum per month from the expiration of said ninety days, which percentage shall belong to the city.

§ 10. Section one hundred and twenty-four of said act, as amended by chapter two hundred ninety-six of the laws of nineteen hundred one, is hereby amended to read as follows:

§ 124. **Return of unpaid taxes.**—On or before the fifteenth day of August next after any tax shall have been imposed upon any real estate in said city, the treasurer shall make and deliver to the assessors a transcript of any and all such taxes which remain unpaid and it shall be the duty of the assessors on or before the fifteenth day of September thereafter, to make and deliver to the treasurer a statement containing a brief, general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such officers to make and include in said statement a corrected assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, shall be as valid and effectual for all purposes as though they had been originally correct.

§ 11. Section one hundred and twenty-five of said act is hereby amended to read as follows:

§ 125. **Sale of land for taxes.**—Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of October, the treasurer shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 12. Section one hundred and twenty-six of said act is hereby amended to read as follows:

§ 126. **Notice of sale.**—The treasurer shall, immediately after the said first day of October, cause to be published once a week for six successive weeks, in one or more newspapers published in the city, a list or statement of the parcels of land charged with any unpaid tax, penalty or interest, describing each parcel according to the descriptions required by the last section, with a notice that each of the said parcels of land, will, on a day within ten days after the expiration of said six weeks, to be specified in said notice, be sold at public auction at a place in the city therein specified, to discharge the tax, penalty or interest and expenses

aforesaid, which shall be due thereon, at the time of sale. The charge for publishing said notice shall be one dollar to each newspaper publishing the same for each piece or lot of land described in said notice. On the day and at the place stated in said notice the treasurer shall commence the sale of said parcels of land, and shall continue the sale from day to day until the same shall all have been sold.

§ 13. This act shall take effect immediately.

Chap. 462.

AN ACT to amend chapter three hundred sixty of the laws of eighteen hundred ninety-seven, entitled "An act to incorporate the city of Geneva," in relation to the location of tracks of street surface railroads.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-five of title five of chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva," is hereby amended to read as follows:

Change of
grade of
by railroads
to conform
to altera-
tion or
improve-
ment of
streets.

§ 65. If any street, section of a street, public place or square in which a street surface railroad is now, or shall be hereafter operated, shall be paved, repaired or macadamized, or any such street straightened, widened or altered, the board of public works shall have power to require the railroad corporation operating such street surface railroad to change its grade and line to conform to such alteration or improvement in such manner as said board shall designate, and the corporation operating such street surface railroad shall, at its own expense, change its line and grade to conform to such direction as the board of public works may make. Nothing herein contained shall be held to relieve any such railroad corporation from paying its share of the cost of such improvements, as provided by this act.

§ 2. This act shall take effect immediately.

Chap. 463.

AN ACT to amend chapter three hundred of the laws of nineteen hundred and four, entitled, "An act to revise and consolidate the several acts relative to the city of Niagara Falls," authorizing the city of Niagara Falls to issue sewer bonds, and to legalize sewer bonds of said city already issued, and to provide for the payment of certain deficiencies in the city funds existing on January first, nineteen hundred and five.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two hundred and seventeen and five hundred and thirty-three of chapter three hundred of the laws of nineteen hundred and four, entitled, "An act to revise and consolidate the several acts relative to the city of Niagara Falls," are hereby amended to read as follows:

§ 217. The common council upon the receipt of any such report shall with reasonable diligence consider and act upon the same. If such report relates to bridges over the hydraulic canal, which a court of competent jurisdiction has by final judgment directed the city to build, or to sewers, the common council may, by a majority vote of the members then in office, authorize the board of public works to construct such bridges or sewers recommended in such report, at a cost not to exceed the estimated maximum cost of the same as stated in such report, and the city shall issue its bonds therefor; provided, however, that the aggregate amount of the bonds issued for sewer purposes and outstanding shall at no time exceed the amount of three per centum of the total assessed valuation of the real and personal property of the city, as shown by the last assessment roll thereof, in addition to the three hundred and fifty thousand dollars of bonds heretofore issued for the construction of sewers by the city of Niagara Falls, in completion of the system of sewers heretofore authorized by the village of Suspension Bridge and the village of Niagara Falls. The bonds heretofore issued by the city of Niagara Falls for the purpose of constructing sewers or for the redemption of such bonds, are hereby legalized and made

Bonds issued for construction of bridges and sewers legalized.

binding and legal obligations of the city, according to the terms of such bonds, and all the acts and proceedings of the common council and officers of said city authorizing and issuing such bonds are hereby authorized, legalized, ratified and confirmed, and said city shall cause such taxes to be levied and collected as may be necessary from time to time, to pay the principal and interest of said bonds as provided in this act, until said bonds and the interest thereon have been fully paid.

§ 533. In making up the estimate for the fiscal year of nineteen hundred and six, the various boards, officers and common council shall include in the estimate and budget the sum of forty thousand dollars, to pay the estimated deficit existing on the first day of January, nineteen hundred and five, the salaries omitted from the tax budget for the year nineteen hundred and five, and the city shall be empowered to borrow upon the said budget for the purpose of satisfying said deficit and salaries, in the manner herein authorized up to the amount of said estimated deficit and salaries, upon said budget being made up and confirmed.

§ 2. This act shall take effect immediately.

Chap. 464.

AN ACT to amend section fifty-three of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five, as amended by chapter one hundred and ninety-nine, laws of eighteen hundred and ninety-eight, and by chapter two hundred and eighty-nine, laws of eighteen hundred and ninety-nine, and by chapter two hundred and seventy-one, laws of nineteen hundred and two, and by chapter five hundred and ninety-five, laws of nineteen hundred and four, relative to the annual tax levy in the city of Little Falls.

Accepted by the city.

Became a law, May 18, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-three of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five, as amended

by chapter one hundred and ninety-nine, laws of eighteen hundred and ninety-eight, and by chapter two hundred and eighty-nine, laws of eighteen hundred and ninety-nine, and by chapter two hundred and seventy-one, laws of nineteen hundred and two, and by chapter five hundred and ninety-five, laws of nineteen hundred and four, is hereby amended so as to read as follows:

§ 53. **Maximum amount of annual city tax levy.**—The common council of the city may raise by tax upon the real and personal property assessable in the city, in each year:

a. For the fire and police fund, a sum not exceeding ten thousand dollars, in addition to the amount which the common council is hereinafter permitted to appropriate to said fund from the contingent fund.

b. For the poor fund, a sum not exceeding eight thousand dollars.

c. For the park and cemetery fund, a sum not exceeding fifteen hundred dollars.

d. For the fire hydrant fund, a sum not exceeding sixty-five hundred dollars.

e. For the street fund, a sum not exceeding twelve thousand dollars.

f. For the paving fund, a sum not exceeding fifteen thousand dollars.

g. For the lighting fund, a sum not exceeding ten thousand dollars.

h. For the contingent fund, a sum which, added to the amount placed in and credited to the said fund from the excise and liquor tax law moneys during the last preceding year, shall not exceed twelve thousand dollars. The common council may in any year transfer from the contingent fund to the fire and police fund a sum, not exceeding two thousand dollars, anything contained in this act to the contrary notwithstanding, which said amount when so transferred shall become a part of the last mentioned fund.

i. An amount sufficient to pay the city's share and portion of all assessment bonds issued in pursuance to sections eighty-two to eighty-four inclusive of this act and interest thereon falling due during the current fiscal year.

The aggregate for the annual tax levy for all purposes in this section above specified, shall not exceed the sum of fifty-three

thousand dollars. In addition to the amounts which shall be included in the annual tax levy for the foregoing purposes, there shall also be included therein for the purposes and uses of the board of education, such sum or sums as the board of education shall declare necessary in pursuance of general laws; and also such amount as shall be necessary to meet the principal and interest on the bonded and other indebtedness of the city falling due during the fiscal year, for which the tax is levied, and to meet all indebtedness remaining unpaid on all judgments against the city; and such further sums as shall have been voted at an annual city election, or at a special city election called for the purpose, and also such other sums as the common council is authorized to expend for the purchase and improvement of real estate, by section eighty of this act.

§ 2. This act shall take effect immediately.

Chap. 465.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego," by authorizing the city of Oswego to raise funds to meet deficit in its department of works.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five entitled, "An act to revise the charter of the city of Oswego," as amended by chapter seventy-six of the laws of nineteen hundred and two, is hereby amended by adding after section one hundred and thirty-five a new section to be section one hundred and thirty-five-a, and to read as follows:

§ 135-a. The department of works may, in the year nineteen hundred and five add to their estimate of the amount required for the highway fund the further sum of seven thousand dollars or so much thereof as may be necessary to be expended only for the

Highway
fund,
additional
estimate
for.

payment of the deficit now actually existing in the highway fund of said department for public improvements now completed.

§ 2. This act shall take effect immediately.

Chap. 466.

AN ACT to authorize the city of Watertown to borrow money for current municipal expenses arising in relation to the Roswell P. Flower memorial library, the maintenance and repair of school buildings and highways, the construction, maintenance and repair of sewers, and to pay temporary deficiencies in the funds of the board of education and the board of public safety, and to issue therefor certificates of indebtedness.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Watertown is hereby authorized and empowered to borrow the sum of thirty-seven thousand three hundred and thirty-four dollars in the name and upon the credit of the city of Watertown, and to issue therefor certificates of indebtedness payable as follows: Thirteen thousand three hundred and thirty-four dollars on the first day of March, nineteen hundred and six, twelve thousand dollars on the first day of March, nineteen hundred and seven, and twelve thousand dollars on the first day of March, nineteen hundred and eight. Said certificates of indebtedness shall be signed by the mayor and city clerk and shall bear interest at a rate not exceeding five per centum per annum payable annually.

Issue of certificates of indebtedness to pay municipal expenses authorized.

§ 2. Of the moneys so borrowed, there shall be used and applied by the board of public works the sum of ten thousand dollars for cleaning streets and pavements and for general repairs upon highways, and eight thousand seven hundred dollars for the construction, maintenance and repair of sewers; there shall be used and applied by the board of education the sum of seven thousand dollars for repairing school buildings and walks, and the sum of seven thousand dollars to pay a deficiency in the funds of said

Application of money borrowed.

board in the year nineteen hundred and four; there shall be used and applied by the board of public safety the sum of thirteen hundred thirty-four dollars to pay a deficiency incurred in placing the fire alarm wires in the conduits under the surface of the ground; there shall be paid to and used and applied by the trustees of the Roswell P. Flower memorial library the sum of three thousand three hundred dollars to defray the current expenses of said library until December thirty-first, nineteen hundred and five.

Payment of
certificates
of indebted-
ness.

§ 3. The common council of the city of Watertown is hereby authorized and empowered to cause to be levied and collected on the real and personal property in said city liable to taxation the money necessary to pay the interest and principal of said certificates of indebtedness in each year as the same shall become due and payable and in the same manner and at the same time as the general city tax is now levied and collected and in addition thereto.

§ 4. This act shall take effect immediately.

Chap. 467.

AN ACT to amend chapter forty-four of the laws of eighteen hundred and fifty-three, entitled "An act for the better support of the poor in the town of Newburgh in the county of Orange," in relation to the corporate name and terms of the commissioners of the almshouse.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter forty-four of the laws of eighteen hundred and fifty-three, entitled "An act for the better support of the poor in the town of Newburgh in the county of Orange," is hereby amended to read as follows:

Name of
corporation.

§ 2. The corporation heretofore known as the commissioners of the almshouse of the city and town of Newburgh, shall hereafter be known as the commissioners of the home of the city and town of Newburgh. For the purpose of carrying into effect the pro-

visions of this act, the six commissioners heretofore elected in the city and town of Newburgh, as commissioners of almshouse of the city and town of Newburgh, shall hold office as commissioners of the home of the city and town of Newburgh, until the term for which they were elected shall expire, and thereafter six commissioners of said home shall be nominated and elected, four in said city and two in said town, as other officers therein are elected. They shall be divided into three classes, and hold their offices for the periods following, that is to say: the two commissioners of the almshouse elected in the town of Newburgh, shall hold office as commissioners of said home until their terms expire. Two commissioners of said home shall be nominated and elected by the electors of the said town at the annual town meeting held in the year nineteen hundred and five, in the same manner as other town officers are elected, and they shall be nominated and elected for the term of two years from the said first day of March, nineteen hundred and six. Two commissioners of the said home shall be nominated and elected by the electors of the said city at the annual election preceding the first Tuesday of April, nineteen hundred and six, in the same manner as other city officers chosen by the people are elected to take the place of the commissioners whose terms will expire on said first Tuesday of April, nineteen hundred and six, and who shall hold office for the term to expire on the first day of March, nineteen hundred and ten. Two commissioners of the said home shall be nominated and elected by the electors of the said city, at the annual election preceding the first Tuesday of April, nineteen hundred and seven, in the same manner as other city officers chosen by the people are elected, to take the place of the commissioners whose terms will expire on said first Tuesday of April, nineteen hundred and seven, who shall hold office for the term to expire on the first day of March, nineteen hundred and eleven. Two commissioners of the said home shall be nominated and elected by the electors of the said town, at the annual election preceding the first day of March, nineteen hundred and eight, in the same manner as other town officers chosen by the people are elected who shall hold office for the term of four years and thereafter the successors of such commissioners shall be nominated and elected by the electors of the said city and town respectively, at the annual election or town meetings preceding the expiration of such terms of office, who shall hold

Election
and terms
of commis-
sioners.

office for the term of four years. Any vacancy which may occur in the office of commissioners of the home of the city and town of Newburgh elected in the said city, by reason of expiration of term or otherwise shall be filled by appointment by the mayor of the said city of Newburgh, in the same manner as other vacancies in city offices are filled; and any vacancy which may occur in the office of those commissioners elected in the said town, by reason of expiration of term or otherwise, shall be filled by appointment in the manner provided by the town law for the filling of vacancies in town offices.

§ 2. This act shall take effect immediately.

Chap. 468.

AN ACT to amend chapter six hundred and fifty of the laws of nineteen hundred and four, entitled "An act to revise the charter of the city of Rome," relative to revising several sections of said charter.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty of chapter six hundred and fifty of the laws of nineteen hundred and four, entitled "An act to revise the charter of the city of Rome," is hereby amended to read as follows:

Pe. form-
ance of
adminis-
trative
functions.

§ 40. Whenever any executive or administrative function shall be required to be performed by any ordinance or resolution of the common council, the same shall be performed by the proper executive or administrative officer of the board designated in the ordinance or resolution, and in case no such designation be made the mayor shall make the same.

§ 2. Section forty-six of said act is hereby amended to read as follows:

Mayor,
powers,
duties and
compensation of.

§ 46. The mayor of the city of Rome shall be the chief executive officer thereof. He shall have and exercise all the powers conferred upon mayors of cities by any general law and all the

powers conferred upon him by this act. It shall be his duty to enforce all the laws governing the city and the ordinances and resolutions passed by the common council. He shall be the executive head of the fire and police departments of the city and shall have the power to call out and command the police and fire departments whenever in his discretion he shall deem it necessary. He shall have the right to veto all resolutions, ordinances and acts of the common council within five days (Sundays excepted) after a certified copy thereof shall have been presented to him by the city clerk, except such as relate to the organization of the common council and procedure therein, and the appointment and trial of officers. He may likewise veto any separate items of any ordinance or resolution providing for the expenditure of money or any separate portion of any such ordinance or resolution relating to a separate subject; he shall within five days (Sundays excepted) after the receipt of a certified copy of such resolution or ordinance transmit to the common council in writing his veto thereof and his reasons therefor by filing the same with the city clerk. It shall be his duty, from time to time, as the public interests require, to communicate with the common council orally or in writing upon any subject of which it has jurisdiction and he shall have power to recommend to the common council or to any of the administrative boards of the city, from time to time, such measures as he shall deem necessary or expedient for it or them to adopt and he shall transmit to the common council at its first meeting in January in each year a statement of the general affairs of the city in relation to its finances, government and improvement with such recommendations as he may deem proper. He shall, except as herein otherwise provided, sign all leases, deeds, contracts and other papers made and entered into by the city and cause to be affixed thereto the city seal and shall issue all licenses authorized by the common council. It shall be his duty and he shall have the power to make all necessary investigations into the conduct of all officers of the city and of all boards thereof. He may compel the attendance of witnesses and the production of books and papers at such investigations by subpoena issued under his hand, and his subpoena shall have the force and effect of a subpoena issued out of the supreme court; he shall have

power to prefer charges against all elective officers of the said city for malfeasance, nonfeasance, or other misconduct in the discharge of their respective official duties, and to present the same to the common council; he shall make appointments to office, authorized to be made by him, without unreasonable delay. The mayor shall receive for his services an annual salary of five hundred dollars.

§ 3. Section forty-seven of said act is hereby amended to read as follows:

Powers
and duties
of presi-
dent of
common
council.

§ 47. The president of the common council shall preside at its meetings and have a casting vote on all questions arising therein only when the vote of the other members are tied; in case of the temporary absence or disability of the mayor, he shall be acting mayor of the city, but without the power to appoint; and if a vacancy in the office of mayor shall occur, he shall be the mayor of the city for the residue of the mayor's term, in which case the common council shall elect one of its members president of the common council for the residue of the term. The president of the common council shall receive such reasonable compensation by the day for the services actually performed by him as a member of the board of review of assessments as the common council shall determine, not exceeding two hundred dollars annually.

§ 4. Section fifty-four of said act is hereby amended to read as follows:

City
engineer,
employment
and duties
of.

§ 54. The board of public works and the board of water and sewer commissioners shall by joint action hire a competent civil engineer whose duty shall be to perform such work, with regard to surveying, engineering and other similar work, as may be ordered by and come under the jurisdiction of each board. He shall under the direction of said board of public works, within two years after the passage of this act, or as soon thereafter as it may be possible, fix and establish to the approval of the board of public works and map the grade lines of all streets, sidewalks, and public squares in the city; shall cause to be prepared a map of the city showing the boundaries and alignments of all streets, public places and squares, the location of the sewers and water mains, and shall thereafter change and add to such maps so as to make them conform to and show any alterations, additions or extensions in said grade lines, boundaries, alignments, sewers

and water mains that shall be made. Any maps of the city or parts of the city conforming substantially to the requirements of this section heretofore made by the authorities of such city or any department thereof, may be regarded as made hereunder and may be used in place thereof, or as a part of the maps as hereby required. He shall also map such extensions, additions and alterations that may be made from time to time, in the record books or atlases of the water works and sewers kept in the office of the board of water and sewer commissioners. He shall be provided with an office where he shall keep all notes, books, maps, drawings and records received or made by him or under his direction and which shall be properly indexed and transmitted with all other matters and property pertaining to or belonging to his office, to his successors. He shall personally superintend the opening, making, constructing and paving, macadamizing, repairing and grading of all streets, sidewalks and crosswalks, gutters, storm sewers and drains, and the measurement of all work done on the streets or on the public places in the city, and make all preliminary surveys therefor, and prepare plans, profiles, specifications and estimates therefor when necessary or when required to do so by the said board of public works. He shall subject to the direction of the said board, superintend all repairs, improvements to and upon streets and public places in the city, including the cleaning of streets, and building and repairing of storm sewers, drains or bridges which the city is bound to maintain, the laying of gas and water pipes; the setting of hydrants in the streets, and shall perform such other duties as may from time to time be required by the board of public works and water and sewer commissioners, or either of them. He shall have no power to contract debt or liability on the part of the city except as authorized by the one of the said boards having such matters under its control. He shall not be interested directly or indirectly in any contract with the city of Rome made pursuant to the provisions of this title. The board of public works shall fix his compensation, not to exceed two thousand dollars, and may remove him at pleasure. The said board of public works shall have the power and they are hereby authorized to hire such assistants and helpers to and under the said engineer as may be necessary for the performance of his duties. The said engineer shall be designated the "city engineer" and he

Maps of
city.

Office to be
provided
for him.

Compensation of
city
engineer.

Control of
books,
maps,
records,
etc.

may be required to give a bond, in form, manner and amount to be determined by said board, for the faithful performance of his duties. All books, note books, papers, maps, drawings, records, notes, tools, furniture, instruments, and supplies now in the office of the city engineer and belonging to the city of Rome shall be retained in the office of the city engineer to be appointed under this act, and shall be under the care and control of the said board of public works.

§ 5. Section seventy-nine of said act is hereby amended to read as follows:

Mainte-
nance and
repair of
highways,
tax for.

§ 79. On and after January first, nineteen hundred and six, the labor system of assessments for highways in and for that part of the city outside the corporation tax district shall be and is abolished, and from and after that date the highways of that portion of the city shall be maintained, repaired and permanently improved by a tax to be levied and collected the same as town taxes upon the property, real and personal, in that portion of the city situate outside of the corporation tax district. The amount of such tax shall be determined by the board of public works of the city and shall not exceed one-half the value, at the commutation rates, of the highway labor which would be assessable under the labor system. Said board shall certify the same to the board of supervisors to be levied and assessed by them upon the property aforesaid, and when collected the same shall be kept in a separate fund to be known as the "highway fund". Chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the improvement of public highways," and all acts amendatory thereof or supplemental thereto, shall apply to any public highway or section thereof situate outside of said corporation tax district, and the portion of said city lying outside of said corporation tax district, shall be deemed a town for all purposes of said act or acts, any general or special statute to the contrary notwithstanding.

Highway
fund.

§ 6. Section eighty-one of said act is hereby amended to read as follows:

Estimates
for current
year.

§ 81. It shall be the duty of the board as provided in section one hundred and forty-eight of this act to make and submit to the common council a written estimate or estimates of the expenses of said board for the current fiscal year as follows:

1. For cleaning the streets of the city.

2. For ordinary repairs of streets, sidewalks and crosswalks of the city.

3. For the portion of the expenses of paving, macadamizing, grading or curbing, or any other new work, except sewers, which should be borne by the city at large.

4. For the maintenance and care of bridges or the building of new bridges.

5. For the maintenance, ornamentation and improvement of the public parks of the city.

6. For the care and ordinary repairs of the storm water sewers of the city.

7. For the portion of the expense of building new storm water sewers which should be borne by the city at large.

8. For the purchase or repair of machinery, implements and utensils for the use of the board.

9. For lighting the streets and public places of the city.

10. For the maintenance and care of the highway and culverts outside the corporation tax district.

11. For other expenses of said board not above specifically mentioned.

§ 7. The second section, eighty-one, of said act is hereby re-numbered section eighty-one-a and is hereby amended to read as follows:

§ 81-a. The common council shall have power to modify or ratify said estimates as herein provided and the said board shall not have the right to expend any greater sum than is authorized by the common council.

§ 8. Section eighty-seven of said act is hereby amended to read as follows:

§ 87. It shall be the duty of the owner or occupant of any property fronting on any street, public square, place or highway of the city, to build, keep in repair and rebuild sidewalks in front of his said property upon such established grade and of such materials and size as the board of public works may direct. It shall be the duty of such owner or occupant to clean, keep free and clear from ice and snow such sidewalks. The common council may provide by ordinance for the enforcement by proper penalties of the provisions of this section, and in case of the failure of such property owner or occupant to build such sidewalks as above provided when notified so to do, the board of

Repair of
sidewalks,
removal of
snow and
ice, ordi-
nances for.

public works may cause such sidewalks to be constructed and certify the cost thereof not exceeding the expense of labor and materials, to the city treasurer, who shall collect the same and shall have power to enforce such collection by action in the city court, in the name of the city, and any judgment recovered thereon shall be a lien upon the premises in front of which such walk was constructed.

§ 9. Section one hundred and nine of said act is hereby amended to read as follows:

Estimates
for fire and
police de-
partments.

§ 109. The board of fire and police shall recommend to the common council in writing as provided in section one hundred and forty-eight, an estimate, or estimates of the amount of money necessary to be expended by said board for each of the following purposes for the current fiscal year.

1. To pay the salaries and wages of the policemen and special policemen and other employees of the police department.

2. To pay the salaries and wages of the police department other than for salaries and wages of policemen.

3. To pay the salary and wages of the chief engineer, assistant engineer and foremen and other subordinate employees of the fire department.

4. To defray the expenses of keeping in good repair and condition the fire engines, fire alarm telegraph, and other apparatus and teams used for the extinguishment of fires, and the buildings occupied by the fire department and of purchasing all necessary supplies and of extending the fire alarm telegraph.

5. To defray the expenses of purchasing new fire engines, teams and apparatus used for the extinguishing of fires, including hose.

6. To defray the expenses of purchasing or renting new premises or erecting new buildings for the purpose of the fire department.

7. To defray the contingent expenses of the board not otherwise above specified.

§ 10. Section one hundred and twenty-six of said act is hereby amended to read as follows:

Station
houses and
lockups;
rewards
for appre-
hension of
perpetrators
of crime.

§ 126. The common council of the city of Rome shall provide and keep in order such station houses, lockups and other necessary accommodations as shall be required for the use of the police department. The mayor upon the recommendation of the board of fire and police, may offer rewards not exceeding two hun-

dred dollars for any one reward, for the detection or apprehension of the perpetrator of any crime committed within the city, to be paid to the informant from the police and fire fund, on the conviction of the criminal.

§ 11. Section one hundred and thirty of said act is hereby amended to read as follows:

§ 130. The board of health shall submit, as provided in section one hundred and forty-eight of this act an estimate or estimates of the necessary amount of expenditure required by the board for the current fiscal year and submit such estimate or estimates, specifying each item of expenditure, to the common council and the common council may modify such estimate, and by resolution fix the amount that the said board may expend during the ensuing year.

Board of health, estimate of expenses for.

§ 12. Section one hundred and forty-seven of said act is hereby amended to read as follows:

§ 147. The taxes raised in any year for the aforesaid city expenses (excluding the amount to be raised for state and county purposes, for town audits and expenses, and also the amount raised to pay the principal and interest on bonded indebtedness) shall not exceed one dollar and seventy cents upon every one hundred dollars of the assessed valuation of taxable property in said city. The board of equalizers shall equalize that portion of the taxable property of said city within the corporation tax district, of said city separately from that portion without, which shall be equalized the same as though a separate town.

Tax rate; equalization of taxes.

§ 13. Section one hundred and forty-eight of said act is hereby amended to read as follows:

§ 148. Each of the administrative boards of the city may, from time to time, between January first and July first in each year, make preliminary or partial estimates of the expenses of their respective boards for the current fiscal year, and certify such preliminary or partial estimates to the common council; and the common council may also during such period make a preliminary or partial estimate of other necessary expenses of said city. Upon the receipt of any such preliminary or partial estimate from any of said boards, or upon the making of any such preliminary or partial estimates by the common council, the common council may approve of the same, and upon the approval thereof they shall, in accordance with section one hundred and

Preliminary estimate of expenses.

forty-one of this act, apportion the amount of such preliminary or partial estimate so approved, upon the entire city, the corporation tax district, and the property outside the corporation tax district. Whenever any such preliminary or partial estimate shall have been approved and the amount thereof apportioned, the common council may borrow upon the credit of the city, a sum not exceeding the amount of such estimate, and the amount so borrowed shall be placed to the credit of the board or department making the estimate, and shall be used for the purposes indicated in the estimate and no others. Such sums so borrowed shall be paid within the fiscal year in which the loans are made, and provisions for the payment thereof shall be made in the tax levies of such fiscal year. Not later than the first day of July in each year each of said administrative boards except the board of water and sewer commissioners, shall make a final and complete estimate in detail of the expenses and income of their respective departments for the current fiscal year, and shall certify such estimates to the common council. The common council shall make a final and complete detailed statement by items of all other expenses of the city as estimated by it for the current fiscal year, and shall cause all the aforesaid estimates to be published in the official newspapers of the city once previous to the regular or special meeting to be held in the month of July, at which said final and complete estimates are to be passed upon by it. At that meeting or at any meeting to which an adjournment may be had, it shall revise such estimates and determine the entire amount necessary to be raised to defray the expenses of the city for the current fiscal year. It may, by a vote of the majority of all of its members approve or reduce, but shall not increase, any of the estimates of the various boards aforesaid, subject, however, to the limitations herein contained as to the estimates of the board of education. The common council shall, in accordance with section one hundred and forty-one of this act, apportion the aggregate amount upon the entire city, the corporation tax district and the property outside of said corporation tax district, respectively, and shall not later than the fifteenth day of September, levy the amount of tax so apportioned upon the property within the corporation tax district, and shall also levy the amount or portion of any partial or preliminary estimate that has been apportioned upon the property within the corporation tax dis-

City may borrow money upon approval of estimates.

Final estimates of expenses.

Revision of estimates.

Apportionment of estimates.

trict, at any time during the year, previous to that date. Any part or portion of any preliminary or partial estimate, or of any final and complete estimate that may be apportioned upon the entire city, or upon the property outside the corporation tax district, shall be included in the town audits, and shall be placed in the town budget, by the board of audit when said board meets as a board of town auditors for the year in which the apportionments were made. Upon the approval of such final and complete estimates, and the apportionment thereof, the common council may borrow upon the credit of the city, a sum not exceeding three-fourths of such estimates, which sum so borrowed shall be paid out of the taxes, levied within the fiscal year in which the loans were made.

City may borrow money upon approval of final estimates.

§ 14. Section one hundred and fifty-seven of said act is hereby amended so as to read as follows:

§ 157. Upon the return of the warrant for the collection of any tax or assessment imposed upon any real estate in said city, the treasurer shall make and deliver to the assessors a transcript of any and all such taxes which remain unpaid, and it shall be the duty of the assessors to make and deliver to the treasurer a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such officers to make and include in such statement a corrected assessment at the same valuation as before, and the assessors shall also have the power, and it shall be their duty to insert in such revised roll any real estate in the city which may have been omitted in the general roll and assess the said real estate in such corrected assessment roll at its value at the time the original assessment was made, as such value may be determined by them, upon giving two days' notice thereof to the owner or agent of such property; they may add to such roll, with proper correction, the amount of any unpaid assessment for local improvements or judgments recovered on account of sidewalks built in front of any such property by the city and not paid at the time of making such corrected assessment roll; the assessors shall complete such revision within ten days after the delivery to them of such transcript as aforesaid, and shall give public notice that the board of review of assessments will meet at the assessors' office at a time after the expiration of such ten days to be

Return of warrant for collection of taxes and assessments; unpaid and erroneous assessments.

Correction and review of assessments.

designated by them, to hear objections and to correct any errors that may have been made in such corrected assessment roll; such notice shall be given by publishing the same for at least five days in the official newspapers of the city; the board of review, or a majority of the members thereof, shall on such days sit in review of such corrected assessment and shall subscribe to the assessments as corrected by them and deliver the corrected rolls to the city treasurer; such corrected assessments and the amount of the taxes or assessments levied upon said lands shall be as valid and effectual for all purposes as though they had originally been correct.

§ 15. Section one hundred and seventy-five of said act is hereby amended to read as follows:

Extraor-
dinary ex-
penditures,
estimates
for, special
election.

§ 175. Whenever the common council shall resolve by the affirmative vote of two-thirds of its members that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate, together* with a notice that at a time and place therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditure shall be raised by tax in the official newspapers of the city three times in each week during the two weeks next preceding the date fixed for such special election. When the use for which money is to be raised at a special election shall be for the purposes of the corporation tax district the franchise shall be limited to the taxpayers residing within the said corporation tax district. The common council shall appoint three inspectors of such election and the mayor shall fill all vacancies occurring among them. All provisions of law prescribing the duties of the inspectors of election and their powers and with reference to preserving order at election and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held hereunder. Every taxpayer, male or female, whose name shall appear upon the last assessment roll of the city before such special election, and no other person shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required,

Conduct of
special
elections
and qual-
ifications of
voters.

*So in original.

and the amount thereof, and opposite each of such statements the word "for" or the word "against." The inspectors shall at the time and place designated as aforesaid, sit without intermission from nine o'clock in the morning until four o'clock in the afternoon, to receive the ballots cast at such election, and shall deposit the same in a suitable ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are a taxpayer of the city of Rome and that you have not voted at this election?" After he shall take such oath and if his name shall appear upon the assessment roll aforesaid his vote shall be received. The inspectors shall canvass the votes received immediately after closing the polls, and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax and the whole number against each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of election thus certified to be entered in its minutes, and if the whole number of votes received at such election for any such special tax exceeds the whole number of votes against the same, the common council shall cause the sum or sums of money thus voted to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment roll. No more than one such election shall be held in any one year, except upon the unanimous vote of all the members of the common council. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election. The common council may at such special election submit a proposition that any part of the amount to be expended for such purpose may be raised by special taxation and the balance by bonds of the city, or that the whole thereof shall be raised by bonds of the city, instead of the proposition that the whole of such expenses be raised by a special tax. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of the said tax, and the amount so raised or borrowed shall be

Number
of special
elections to
be held in
one year.

City may
borrow
money in
anticipa-
tion of col-
lection of
tax; issue
of bonds.

expended only for the purpose for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax; or in case that it shall be voted to bond the city for any part or the whole of such expense, as above provided, the common council may issue coupon or registered bonds of such denomination and bearing such interest, not exceeding five per centum per annum, and running for such terms as it may by resolution determine, such bonds to be sold at not less than par, and said common council may raise by taxation such sum, in addition to all other sums now authorized, sufficient to pay the interest upon said bonds, and the principal thereof when it shall become due.

§ 16. Section one hundred and seventy-six of said act is hereby amended to read as follows:

Common council prohibited from borrowing money.

§ 176. The common council shall not have power to borrow, and is hereby expressly prohibited from borrowing any money on account of the city except as provided in this act. But in case of the recovery of any final judgment against the city which cannot be paid out of the general city fund after defraying the ordinary expenses of the city payable from such funds the common council may borrow an amount sufficient to pay such judgment or judgments, or so much thereof as may be necessary and shall include the amount so borrowed in the tax levy for the following year and the amount so borrowed shall be repaid within one year from the proceeds of said tax.

§ 17. Section one hundred and seventy-nine of said act is hereby amended to read as follows:

Plans and specifications, notice for proposals, publication of.

§ 179. The plans, specifications, descriptions, quality sheets and estimates of cost of the work adopted by the said board of public works shall be filed in the office of the city engineer, and a notice shall then be published in the official newspapers of the city of Rome inviting sealed proposals to do the work pursuant to the plans, specifications, quality sheets and descriptions so adopted, which notice shall be published at least six times in such official papers. No proposal shall be considered which shall not be accompanied by a bond with sureties and in a penalty, both to be approved by the board of public works or by certified check for an amount and upon a bank to be approved by said board, conditioned that if the proposals be accepted the person proposing will enter into the contract upon the terms pro-

Proposals to be accompanied by bonds.

posed and will give a further bond with sureties and in an amount to be approved by the said board, conditioned that the person proposing will construct the work at the price and upon the terms proposed, according to the plans and specifications and quantity sheets filed with the city engineer and subject to the supervision and approval of such persons as the board may designate for that purpose; and that the person making the proposal will erect and maintain suitable guards and lights to prevent injuries to such work, or to persons or property by or in consequence of the prudent and careful use of such street, lane, alley, side or crosswalk during the progress of such work, and will save the city harmless and indemnify it against all loss, damage or other expense that may arise by or through any neglect of such person or those in his employment, to erect or maintain such guards, lights or either of them. Said proposals shall be received and opened at the next meeting of such board after the completion of the publication of said notice. And if from any cause said proposals are not opened they shall be returned to the bidders, and it shall be lawful for the said board to receive, open and act thereon at any meeting thereafter, and if opened and no action is taken thereon at the time designated action may be taken at any meeting thereafter. The contract shall be made with the lowest bidder, unless said board of public works determines to reject all said proposals and cause like notice to be published that other proposals will be received in the manner above specified, but no contract shall be let for a sum in excess of the estimated cost of the work.

§ 18. Section one hundred and eighty-eight of said act is hereby amended to read as follows:

§ 188. In case the work shall be the paving, macadamizing, telfordizing or improving of a street, upon the making and delivery to the city clerk of the assessment roll as provided in this act, and giving notice by publication thereof in the official papers that the city treasurer will receive said assessments or taxes for the thirty days from the date of the first notice, the said city treasurer shall receive said assessments without fees. Upon the expiration of said period of thirty days, the city treasurer shall certify to the board of public works the whole amount unpaid upon said assessments, and thereupon the board of public works shall certify to the common council, which shall issue

Assess-
ments for
paving and
improving
streets,
collection
of.

Paving
bonds,
terms and
execution
of.

Applica-
tion of
proceeds
from sale
of bonds;
of
payment
install-
ments.

Default
in payment
of install-
ments.

Actions to
cancel
assess-
ments,
commence-
ment of.

local improvement bonds to be known as "paving bonds" in an amount not exceeding the amount of said local assessment, which bonds shall mature one-fourth in one year, one-fourth in two years, one-fourth in three years and one-fourth in four years from a date not more than thirty days after the date of the certificate of the city clerk. Said bonds shall be executed by the mayor and the city clerk under the corporate seal of said city, and shall be sold at not less than par value thereof, and shall bear interest at the lowest rate at which the same can be sold, not exceeding the legal rate of interest, and which interest shall be payable on each series of bonds annually, and said bonds shall briefly specify the improvement for which they were issued. The proceeds of the sale of such bonds shall be applied towards the payment of cost of such improvement. In any case where the common council shall issue such paving or improvement bonds as authorized herein, the payment of such taxes shall become due and payable at the time or times and subject to the penalties hereinafter prescribed; one-fourth thereof each year for four consecutive years, the time of such annual payments to be computed from the date of filing the assessment rolls with the city clerk, with interest added at the rate of not to exceed the rate of interest named in said bonds per annum to the time of such annual payments, and such payments to be subject to the said penalties and all provisions for the enforcement and collection of said assessments. In case of any default in payment of any installment within thirty days after the same shall have become due and payable as above provided, the whole amount of the tax assessed upon such improvement against the person, corporation, association or property so in default, with fees and interest computed upon such whole amount, shall thereupon become due and payable, and the city treasurer shall proceed to collect the same with the fees and interest, by sale of the property as hereinafter provided. No action or proceeding to set aside, cancel or annul any assessment made under the provisions of this title, shall be maintained by any person unless such action or proceeding shall have been commenced within thirty days after the delivery to the city clerk of the city of Rome of the assessment rolls, and unless within said thirty days an injunction shall have been procured by such person from a court of competent jurisdiction, restraining the common council from issuing the paving

bonds hereinbefore provided to be issued for such assessment. The moneys received by the city treasurer from the sale of bonds or collection of assessments shall be used for no other purpose than the local improvement for which the same was assessed.

§ 19. Section one hundred and ninety-eight of said act is hereby amended to read as follows:

§ 198. The city of Rome shall not be liable for the damage or injury sustained by any person in consequence of any highway, street, sidewalk, or crosswalk in said city being out of repair, defective, unsafe, or dangerous or obstructed by snow, ice or otherwise, unless actual notice of the defective, unsafe, dangerous or obstructed condition of said highway, street, sidewalk, or crosswalk shall have been given to the mayor or the board of public works, at least forty-eight hours previous to such damage or injury. All claims against the city for damages or injuries to the person claimed to have been caused or sustained by defects, want of repair or obstructions from snow and ice, or other causes in the highways, streets, sidewalks or crosswalks of the city or because of negligence of the city as to the highways, streets, sidewalks or crosswalks of the city shall be presented to the common council in writing, within one month after said injury is received. Said writing shall describe the time, place, cause and extent of the injury, so far as then practicable, verified by the oath of the claimant. The omission to present said claim as aforesaid within one month shall be a bar to any claim or action therefor against the city. No action for such damages or injuries shall be maintained unless commenced within one year after the happening of same.

Liability of city for damages arising from dangerous walks or streets.

Claims against city for injuries, presentation of.

§ 20. Section two hundred and six of said act is hereby amended to read as follows:

§ 206. Detailed estimates of the amounts so required to be raised shall be furnished to the common council and filed with the city clerk as in section one hundred and forty-eight of this act provided. In case the common council shall ratify the estimates of expenditures so submitted, the amount of such estimates shall constitute the sum to be raised for the school board by taxation for the current fiscal year; the common council may modify any item of the estimates for expenditures so submitted, and in such case it shall be the duty of the city clerk to forthwith certify to the president of the board of education such

Estimates for school purposes.

modifications; the board of education shall have power by the vote of two-thirds of all the members thereof at any regular or special meeting called for that purpose, to declare by resolution that the estimated amounts first submitted to the common council, or a less sum, are necessary for the conduct of the schools for the current year; and it shall be the duty of the city clerk to forthwith certify such resolution to the president of the common council, in which case it shall be the duty of the common council to raise the amounts so determined for the purposes of the public schools. In case the board of education shall fail to adopt such original estimates, or a less sum, as above provided, the amounts so modified by the common council shall constitute the amount to be raised for school purposes for the current year. Thereupon the same shall be levied and collected by the common council in the same manner as city taxes as provided in this act. But if such estimates in any year shall include five thousand dollars or more for the purchase, erection, enlargement, alteration or repair of any grounds or buildings or either, or if at any time during the year such board of education may deem it necessary to expend in addition to the amount of such estimates any moneys for any purpose or purposes, the board of education may propose to the common council that such amounts, or any part thereof, as it may propose be borrowed upon the bonds of said union free school district of the city, and the questions of the raising of said amount so proposed to be raised shall be submitted at a special election to be called therefor by the board of education to the taxpayers of the city; the said election to be called and conducted by said board of education in the manner, and to follow, so far as applicable, the provisions of section one hundred and seventy-five of this act relative to special elections for extraordinary expenditures, excepting that in case bonds shall be issued by board of education they shall be the bonds of such union free school district, of the city of Rome, and be signed by the president of the board of education and sealed with the seal of said board for the principal amount so proposed to be borrowed by bonds. Except as above provided the board of education shall not have power to expend any money in addition to the amount finally determined, as aforesaid, by such estimates unless authorized so to do by special election in the manner herein provided. Nothing in this

Special election to be called when estimates include five thousand dollars for enlargement of grounds and buildings.

Bonds of union free school district, execution of.

act shall be deemed to restrict the power of the board of education to expend for lawful purposes of said schools the moneys received by said board, of the city, from the state. All moneys raised by taxes and received from all other sources for school purposes shall be paid to the city treasurer and placed in a separate fund to be known as a school fund and used only for such purposes.

§ 21. Section two hundred and ten of said act is hereby amended to read as follows:

§ 210. The court shall be open for the transaction of business each day of the year except Sundays and legal holidays, at not later than nine o'clock in the forenoon and shall remain in session during seasonable hours or until the business of the day is disposed of; on Sundays and legal holidays the court may be open for such purposes as are provided by law.

§ 22. Section two hundred and thirteen of said act is hereby amended to read as follows:

§ 213. The clerk appointed by the city judge shall be clerk of the city court, and shall take the oath of office prescribed by law. It shall be his duty to attend upon such court during the time it is required to be kept open for business, to keep the dockets and the books of account thereof, to make up the returns to the county court therefrom, and under the direction of the city judge, to perform such other duties as are herein prescribed. He shall have power to take affidavits for use in said court and any other court, to issue summons, precepts in summary proceedings, subpoenas and executions on judgments duly docketed and final orders in summary proceedings duly entered, and in the absence of the city judge and acting city judge join issues and adjourn cases.

§ 23. Section two hundred and thirty-three of said act is hereby amended to read as follows:

§ 233. In all civil actions and proceedings brought in said court, the same costs and fees shall be paid and recovered as in actions or proceedings in courts of justices of the peace in towns, except that in all civil actions and proceedings commenced in said court where the successful party shall obtain a judgment he shall tax and recover in addition to the fees, which shall include jury, constables, witnesses fees paid by him or which he

will necessarily incur, as hereinbefore provided, in case he has appeared by an attorney and counselor of the supreme court (and not otherwise,) the following costs:

1. For all proceedings before the trial, including judgment for plaintiff upon default, to the plaintiff two dollars.

2. Judgment for plaintiff otherwise than upon default an additional sum equal to ten per centum of the recovery, not to exceed ten dollars.

3. If the plaintiff recover judgment in any action in said court for the recovery of one or more chattels the foregoing sum allowed as additional costs therein shall be estimated upon the value of said chattels as assessed by the said court or jury.

4. If judgment of nonsuit is rendered for the defendant without trial, to the defendant two dollars.

5. If a judgment is rendered for the defendant after trial, to the defendant two dollars; and the court in its discretion may allow an additional sum not exceeding ten dollars.

6. A defendant who recovers of said court a judgment upon a counterclaim therein or obtains a judgment for the possession or recovery of chattels sued for therein is entitled in addition to costs heretofore allowed said defendant to recover the sum of ten per centum upon said recovery or upon the value of said chattels not to exceed ten dollars.

7. No costs or fees shall be allowed or recovered in any action brought on a judgment of this court, unless said action be brought more than five years after the recovery of the judgment sued upon.

8. Costs upon a motion, action or other proceeding, not exceeding two dollars, may be granted either absolutely or to abide the event of an action or proceeding of any party in the discretion of the court or judge.

§ 24. This act shall take effect immediately.

Chap. 469.

AN ACT to amend the charter of the city of New Rochelle
tion to the publication of notice to construct and keep i
curbs, gutters and sidewalks.

Accepted by the city.

Became a law, May 16, 1905, with the approval of the Governor.
three-fifths being present.

*The People of the State of New York, represented in Sen
Assembly, do enact as follows:*

Section 1. Section eighty-four of article five of chapter o
dred and twenty-eight of the laws of eighteen hundred and
nine is hereby amended so as to read as follows:

§ 84. It shall be the duty of the owners and occupants o
fronting on any of the streets or avenues in said city to co
and keep in repair the sidewalks, curbs and gutters in fr
their respective lots, in such manner, and at such times,
such material as the common council may, by a by-law, r
tion or ordinance for that purpose, legally direct, notice of
direction by the common council to do such work shall be
cient if a copy of such by-law, resolution or ordinance sh
served upon either the owner or occupant personally, or by
ing at the residence of either such copy with a member o
family or a person over the age of twenty-one years, or by
lishing such copy thereof once in the official newspapers o
city, and if any such owner or occupant shall refuse or negl
construct the sidewalk, curb or gutter opposite to or front
the lot or lots owned and occupied by him as aforesaid, wh
directed to do by the said common council, then in either ca
shall be lawful for the common council to cause such side
curb and gutters to be so constructed or repaired for o
account of the owner of such lots, and upon the completio
said work the common council shall calculate the cost and exp
thereof, and the same, together with the expense of publishi
notice hereinafter provided for, shall be apportioned and cha
upon the premises benefited thereby. In such case the said
mon council shall make, or cause to be made, a list of such ap
tionment, in which shall be stated the names of the person
corporations owning property, in whole or in part, charge

Description of property.

Notice of assessment.

Review of assessments.

Confirmation of assessments.

Warrant for collection of assessments.

with the expense of such improvement, if the names of the persons or corporations shall be known, and if not, then it shall be chargeable to owners unknown; also a description of the property, which shall be sufficient if it gives the street number, or the lot number as designated on any map thereof filed in the office of the register of Westchester county and the ward number of the village wherein such property may be situated; also the amount chargeable to each person or corporation; which said list shall be filed in the office of the city clerk, where it shall be open for ten days to the inspection of any person or persons whose property shall be affected by such improvement. It shall be the duty of the said common council to give printed notice of such assessment, which shall refer to the resolution or ordinance by which said improvement was ordered, also the time during which, and the place where the list of said assessments can be inspected, and also the time when the common council will meet to review and hear any person or corporation deeming themselves aggrieved thereby. Such notice shall, before the time fixed for such meeting of the board, be published once a week for two weeks in the official newspapers published in the city of New Rochelle, and at least five printed notices, similar to the one so published, shall be posted in as many conspicuous places in each ward affected by such assessment. The said common council shall accordingly meet and hear any person interested in said assessment, and feeling themselves aggrieved thereby and after such hearing, it shall be their duty to equalize, correct and alter the same when improperly or erroneously applied or apportioned, by increasing or diminishing the respective amounts as to them shall seem just and proper, or if, in the judgment of the said common council, after such hearing, the apportionment shall have been just and equitably applied and apportioned as originally made, the common council shall confirm the same and it shall thereupon become final and conclusive, and the persons, corporations and property charged with such improvements, shall be subject to the payment of the respective amounts named therein, and the same shall be a lien upon the property and real estate named and described in said assessment until the same shall be paid; and thereupon it shall be lawful for the said common council to issue to the receiver of taxes of the city of New Rochelle their warrant, returnable in thirty days, for the collection thereof, out of the

goods and chattels of the persons legally liable to pay the same; and if such warrant shall be returned unsatisfied, in whole or in part, to advertise and sell such lot, in the manner prescribed in this act, as in case of sale for the nonpayment of assessments and taxes; and the purchaser or purchasers, owner or owners, and his, her or their legal representatives, shall have the same rights and privileges as are given to them respectively, in and by this act; all grading for sidewalks, gutters or curbs to be done at the expense of the city whenever ordered to be constructed by the common council of the city of New Rochelle.

§ 2. This act shall take effect immediately.

Chap. 470.

AN ACT to amend the charter of the city of New Rochelle in relation to the assessors.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and twenty of article fourteen of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the city of New Rochelle," is hereby amended so as to read as follows:

§ 220. The assessors shall constitute a board of valuation and assessment; and a majority of them shall constitute a quorum. For the purpose of collection of the annual city taxes and assessments, the assessors shall commence on or before the fifteenth day of June to make, and shall complete on or before the fifteenth day of November in each year, one general assessment roll for the city of New Rochelle. They shall assess and value the taxable lands of each ward of said city in the name of the reputed owner or occupant thereof, making no distinction between the lands of residents and non-residents, and by section, block and lot number as shown on the official assessment map of the city of New Rochelle, and upon personal estate in the

Board of
valuation
and assess-
ment,
members
of.

Assess-
ments,
manner of
making.

name of the owner thereof. No real property lying within any adjoining town or village shall be assessed by them nor shall any real property lying within the city of New Rochelle be assessed by the assessors of any adjoining town or village. They shall value all real estate in the city on one common and general principle of valuation, which shall apply alike on all real estate assessed within said city.

§ 2. Section two hundred and twenty-four of said article fourteen of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Assessment roll, completion, correction and filing of.

§ 224. After the roll shall have been completed and corrected, the assessors shall file the same with the city clerk on or before the fifteenth day of December in each year. The city clerk, under the direction of the common council, shall correct all manifest clerical errors in the description or valuation of property in the assessment rolls. The common council shall thereupon confirm said rolls, and the city clerk shall make a correct copy thereof, one for each ward, certify the same, and deliver the same to the supervisors of the respective wards, to be by them presented to the board of supervisors, at their next meeting, and each of said supervisors shall collect the fee allowed by law therefor, and pay the same into the city treasury.

§ 3. Section forty-four of article three of said chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Duties of assessors.

§ 44. The assessors shall perform all the duties required of them by this act in relation to the assessment of property in said city as well for the purpose of imposing taxes levied by the board of supervisors of Westchester county as those levied by the common council of said city, and to that end they shall perform all the duties and possess all the powers and authority of town assessors except as modified by this act, and shall be allowed for traveling and incidental expenses a sum not to exceed one hundred dollars each year to be audited by the comptroller and paid by the common council.

§ 4. Article fourteen of said chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, is hereby amended by adding a new section thereto, to be numbered section two hundred and twenty-one-a to read as follows:

§ 221-a. On or before the first day of June nineteen hundred and five, the common council shall appoint in accordance with the civil service rules a clerk of the board of assessors at a salary of twelve hundred dollars per annum. The said clerk shall hold office during good behavior or until by age or disease, he becomes permanently incapacitated to discharge the duties incidental to the office, but he may be removed from office by said common council for cause, after notice and an opportunity to be heard. Said clerk shall devote his time wholly to the duties of his office, and shall perform such duties incidental thereto as may be required by said assessors. He shall keep the records of the meetings of the assessors, and he shall keep a record of all transfers of real property situated in the city of New Rochelle as the same shall be recorded in the office of the register of Westchester county.

Clerk of board of assessors, appointment, compensation and duties of.

§ 5. Article eighteen of said chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, is hereby amended by adding a new section thereto, to be numbered two hundred and fifty-nine-a to read as follows:

§ 259-a. At the regular city election to be held in November nineteen hundred and five, there shall be elected three assessors, one for the term of two years, one for the term of four years, and one for the term of six years, commencing the first day of January next ensuing. Biennially thereafter, at the regular city election, a successor shall be elected to that assessor whose term expires on the first day of January next ensuing, and the term of office of such successor shall be for the term of six years.

Terms and election of assessors.

§ 6. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately, except as to the provision of assessment by section, block and lot number as laid down on the official city map, which said provision shall take effect January first, nineteen hundred and six, and until such time, the present method of assessment shall be followed.

When act takes effect.

AN ACT to authorize the city of New Rochelle to borrow money for street improvements and issue bonds therefor.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of New Rochelle is hereby authorized and empowered by resolution of its body to issue and sell bonds in the name of, in behalf of and upon the credit of said city, in an amount not exceeding in the aggregate the sum of twenty-five thousand dollars par value, so far as the same may be determined advisable and necessary by said common council for the purpose of macadamizing and improving streets, avenues and highways in said city; and the proceeds of said bonds shall be applied by said common council for the object and purpose herein stated and for no other purpose.

§ 2. Said bonds shall be issued in the name and under the seal of said city, signed by the mayor and city clerk thereof, and shall be for the sum of one thousand dollars each and bearing such interest as the common council shall determine, not exceeding the rate of four per centum per annum, payable semi-annually; they shall be payable in such instalments and at such times within twenty-five years from their date as the common council shall determine, and the principal and interest thereof shall be payable at the office of the city treasurer of said city. That the bonds shall be numbered consecutively from one to the highest number issued, and shall be known and designated as "street improvement bonds," and be in such form as the common council shall prescribe, and they shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act; and the city treasurer of said city shall keep a record in his office of the number of each bond, its date, amount, rate of interest, when payable and the name of the purchaser or purchasers thereof.

§ 3. Said common council shall sell and dispose of said bonds or any part thereof at not less than par and accrued interest by sealed proposals, after bids therefor have been advertised in the

Issue of
bonds for
street im-
provement
author-
ized.

Form,
denomina-
tion and
terms
of bonds.

Sale of
bonds.

city official newspapers at least once a week for two weeks, and a newspaper published in the city of New York, to be designated by the mayor, daily for at least five days prior to the time of such sale. Said bonds shall be sold to the highest bidder but the city shall reserve the right to reject any and all bids. The common council may require each bid to be accompanied by the deposit of a certified check or cash in such sum as it may determine, to be forfeited to the city if the party or parties to whom the bonds shall be awarded shall fail to take and pay for the same in accordance with the terms of sale.

§ 4. The common council of said city, in the manner provided ^{Payment of bonds.} in chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, shall cause such taxes to be levied and collected as may be necessary to pay the principal and interest of said bonds as they shall become due, until such bonds and interest thereon are fully paid.

§ 5. All acts or parts of acts, general or special, inconsistent with this act, are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 472.

AN ACT to amend section eighty-eight of chapter two hundred and seventy-five of the laws of eighteen hundred and ninety-nine, entitled "An act to revise the charter of the city of Gloversville."

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-eight of chapter two hundred and seventy-five of the laws of eighteen hundred and ninety-nine, entitled "An act to revise the charter of the city of Gloversville," is amended so as to read as follows:

§ 88. Correction and delivery of city roll to supervisors; correction and equalization of roll, et cetera.—On the third Monday in October in each year the assessors shall meet for the purpose of correcting the assessment roll to be used for state and county

taxes, in reference to transfers of title to property on said assessment roll which have taken place since the making thereof. The city clerk shall deliver to the board of assessors the original assessment roll made for state and county taxes together with the copy thereof, for the purpose of making such changes. At such meetings of the board of assessors no changes shall be made in such assessment roll except to note thereof the names of the owners of property contained therein, to whom transfers have been made since the making of the assessment roll for city and school taxes. On or before the fifth day of November of each year said assessment roll as corrected shall be delivered to the city clerk. After filing said assessment roll with the city clerk the board of assessors shall forthwith give notice, in the official newspapers of the city of Gloversville and by posting a notice in three conspicuous places in each of the wards of said city, that the assessment roll has been filed with the city clerk and the same may be examined by any person interested, until the second Monday in November, and that on that day the assessors will be at the office of the appointive assessor in the city hall from nine to twelve o'clock in the forenoon, and from two to five and from seven to nine o'clock in the afternoon, to hear any person who may be interested therein and to review and correct any changes in title to property on said assessment roll. Immediately after the second Monday in November said assessment roll shall be delivered to the city clerk, completed and subscribed and verified by said assessors according to law. The city clerk shall thereupon file the said assessment roll together with the corrected copy thereof in his office, and thereupon the said assessment roll shall become final and conclusive upon all parties interested. Within three days after the final delivery and filing of said assessment roll with the city clerk he shall deliver to one of the supervisors of the city of Gloversville the said assessment roll and copy thereof, and the said assessment roll shall be deemed the assessment roll of said city for the levy of the state and county taxes by the board of supervisors. Said board of supervisors shall have the power and authority to examine and correct such assessment rolls, and to equalize the values therein expressed as it has or may have by law with respect to the assessment rolls of towns in said county. After the passage of

this act the said city of Gloversville shall, except as modified by said act, for all purposes relating to the assessment and collection of taxes and the apportionment and payment of its equitable share of the state and county charges, be and constitute a separate and distinct township in said county of Fulton. Said board of supervisors shall levy upon said city the proportionate share of amount of the taxes as authorized by the laws of the state with respect to towns; and extend the same upon the assessment rolls of said city in the manner in which it is by law directed to levy like taxes upon the several towns of said county. To said original assessment roll shall be annexed a warrant directed to the chamberlain of the city of Gloversville, executed by said board of supervisors in the manner provided by law for the execution of warrants issued to the collectors of towns, commanding such chamberlain to receive and collect according to law from the several persons named in the assessment roll the sums expressed in the several columns of such warrant opposite their respective names; and such warrants shall contain the same directions, as near as may be, under the provisions of this act as to the disposition of the money so received and collected by said chamberlain, as similar warrants directed to collectors of towns and issued by said board of supervisors. Such roll and warrant and the copy roll mentioned at the beginning of this section shall be delivered to one of the supervisors of the city of Gloversville, who shall immediately return the same to the city clerk. The original roll and warrant annexed shall be delivered by the clerk to the chamberlain of the city as soon as the bond mentioned in this section shall have been executed, approved, filed, and entered as herein provided and not otherwise. To the copy of the said assessment roll remaining in the city clerk's office shall be attached a copy of said warrant, and receipt signed by the chamberlain acknowledging the delivery to him of the original roll and warrant. Said chamberlain shall, within ten days after he shall receive notice of the amount of such taxes to be collected and received by him, execute to the supervisors of said city, and deliver to them a bond, with two or more sureties, to be approved by at least a majority of said supervisors in writing thereon, in a penalty double the amount of such taxes, conditioned that he will faithfully collect and receive such taxes and account for and pay over the same according to law. Immediately after said super-

visors shall have approved said bond they shall file the same with their approval indorsed thereon in the office of the county clerk, who shall enter the same as provided by law in the case of bonds of town collectors; and said bond shall from the time of such filing, be and become a lien on the real estate of said chamberlain and his sureties in the same manner, to the same extent, and for the same time as bonds of town collectors. The time for the reception and collection of such taxes and for making return therefor may be extended in the manner and for the time provided by section eighty-five of the tax law, upon compliance by said chamberlain with the conditions imposed thereby. Notices prescribed in section seventy-eight of this title shall be all the notices required to be given by the chamberlain upon the receipt of the assessment roll and warrant from the supervisor as aforesaid, and the same proceedings and fees in collecting said taxes shall be followed and charged by said chamberlain as near as may be as those prescribed for the collection of general city taxes. If any of the taxes mentioned in the roll annexed to the warrant shall remain unpaid, and the chamberlain shall not be able, after taking all the proceedings for the collection of such taxes in this title provided, to collect the same, he shall deliver to the town treasurer an account of the taxes so remaining due with his affidavit that the sums mentioned in said account remain unpaid, and that he has made diligent effort, according to law, to collect the same. Except as modified by this act, the laws of this state in relation to the collection of state and county taxes shall govern the collection of all such taxes by the said chamberlain; and in all cases not provided for by this act, the laws of this state shall apply to and govern the collection of all taxes in said city.

§ 2. This act shall take effect immediately.

Chap. 473.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon."

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision fifty-nine of section one hundred and sixty-six of title six of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by chapter two hundred and two of the laws of nineteen hundred and one, as further amended by chapter six hundred and ten of the laws of nineteen hundred and two, is hereby amended so as to read as follows:

59. To designate two newspapers of said city from time to time for the publication of all ordinances, regulations, and official notices of the common council and city government and officers; which said newspapers shall be selected from the newspapers of said city which are allied to or support different political parties. In making such selection the members of the common council representative of one political party shall be entitled to vote for only the newspaper to represent the political party with which such members are affiliated; and such vote shall be taken by calling the ayes and nays; and the two newspapers receiving the largest number of votes in the manner aforesaid shall be selected and designated as such official newspapers of the city, for at least one year from the time of said designation, provided that they are opposite in politics as aforesaid, and if they are not opposite, the designation shall be a nullity. No newspaper shall be designated as the official newspaper of said city unless it shall have been printed and published regularly as a newspaper for and within said city for at least twelve months prior to its said designation, and the said official newspapers shall be selected from the newspapers of said city which are printed and published daily, and

Designation of papers to publish ordinances and official notices.

Present
official
papers to
serve until
designa-
tion of
successors.

which have been printed and published within said city daily, for at least twelve months prior to the said designation provided that two or more newspapers in said city are thus printed and published; and further provided that in case only one daily newspaper otherwise eligible be printed and published in said city, that it shall be designated as one of the said official newspapers.

§ 2. The official newspapers of said city at the time of the passage of this act, shall be the official newspapers, until their successors are duly designated according to the terms of this act.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 474.

AN ACT to amend an act entitled "An act to incorporate the city of Johnstown," being chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-six of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the city of Johnstown," is hereby amended to read as follows:

§ 86. Cleaning sidewalks and gutters of snow and ice.—It shall be the duty of the owner of every lot or piece of land to keep the gutters, including the culverts, and the sidewalks adjoining his lot or piece of land at all times clean and free from snow, ice or other obstructions. It shall be the duty of such owner to remove new ice and freshly fallen snow from such sidewalk before twelve o'clock of each day, and to keep the same so cleaned and removed at all times. In case such owner or occupant shall neglect or refuse to clean said sidewalk within such time, he shall be subject to such fine or penalty therefor as shall be subscribed by the

common council, and in addition thereto the superintendent of streets and water works shall, in such case, proceed to clean the same without notice to such owner or occupant. In case any sidewalk or any gutter or culvert in said city shall, at any time, in the judgment of the superintendent of streets and water works, otherwise require cleaning, said superintendent shall serve a notice upon the owner of the adjoining lot requiring him to clean the same within twenty-four hours after the service of such notice. Such notice shall be served in the same manner as the notice for the construction or repair of sidewalks, curbstones, gutters and culverts, as provided in the next preceding section. If such notice be served by mail the owner shall have three days after service thereof within which to comply with such requirements. If any person so required to do any such cleaning, shall neglect or refuse to do the same within the time prescribed therefor, the said superintendent shall clean the same in such manner as he shall deem proper and suitable, in which case he shall report the fact and the expense thereof to the city clerk, who shall give notice of the expense thereof to the owner in the same manner as notice to do the cleaning, requiring the payment of such expense to the city chamberlain within ten days after the delivery or mailing of such a statement. If such expense be not paid to the city chamberlain within the time prescribed therefor, the said superintendent shall file his affidavit of the actual expense thereof with the clerk of the city, and the same shall thereupon be assessed by the common council and collected the same as other local assessments, with interest thereon at the rate of seven per centum per annum from the time such affidavit was filed.

§ 2. This act shall take effect immediately.

Chap. 475.

AN ACT to authorize the city of Auburn to borrow money and issue its bonds therefor, for the purpose of constructing subways or conduits in the streets, avenues, highways, alleys, public lanes and squares in said city, to provide for the payment of such bonds; and the control, management and leasing of said subways or conduits.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Designation of streets for construction of subways and conduits.

Section 1. The common council of the city of Auburn is hereby authorized and empowered to designate such streets or parts thereof (wherein subways or conduits are not now constructed) in which, in its judgment, should be constructed subways or conduits for electrical wires, cables, connections and underground construction, with the necessary ducts, branches, pipes, man-holes, appurtenances and appliances proper and sufficient for receiving, containing and carrying such electrical wires, cables and connections.

Surveys, maps and plans for construction of subways, etc., adoption of.

§ 2. When the common council shall designate any streets or parts thereof in which subways or conduits should be constructed, it may cause a survey, map, plans and specifications for constructing such subways, conduits and appurtenances thereto to be made by the city engineer, and said common council after adopting said map, plans and specifications, shall cause a notice to be published for six days in all the daily newspapers published in said city, briefly describing said proposed improvement and the manner in which it is proposed to pay therefor, and stating that the map, plans and specifications for the same are on file in the office of the city engineer where they may be seen and examined, and requiring all persons interested to attend the common council, at a time and place therein appointed, when an opportunity will be given them to be heard in the premises. At the time and place appointed the common council shall hear all persons interested and may thereupon make such order and

determination with reference to such proposed improvement as to its members shall seem proper.

§ 3. If the common council shall determine to construct such subways or conduits and the appurtenances thereto, pursuant to the provisions of this act, it shall cause a notice to be published for six days in all the daily newspapers published in said city, and as many times in such other papers as its members may deem advisable, describing briefly the proposed improvement and stating that copies of the specifications and proposals for doing the work may be obtained of the city engineer and that sealed proposals to contract therefor will be received by the mayor up to the time named in said notice. Each sealed proposal shall be accompanied by a certified check, payable to the order of the city of Auburn, for such amount as the common council shall designate, to become and be the property of the city, if such proposal be accepted and the person, persons or corporation making it does not, within fifteen days after notification of its acceptance, enter into and execute a contract to do such work in conformity with the specifications and the proposal accepted, and execute and deliver concurrently therewith, a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars, by the contractor. Instead of such certified check each sealed proposal may be accompanied by a bond, in such penal sum as the common council may direct, signed by the person, persons or corporation so proposing, and by two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned that if such proposal be accepted the person, persons or corporation making the same will, within fifteen days after notification of its acceptance, enter into a contract with the city to do such work, in accordance with the specifications and proposal accepted, and execute and deliver concurrently therewith, a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company

Notice for
proposals,
publica-
tion of

Proposals
must be
accom-
panied by
certified
check or
bond.

bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all its particulars, by the contractor.

Opening
bids.

§ 4. At the first meeting of the common council after the date named in said notice, the mayor shall present to the common council all sealed proposals and all bonds and certified checks accompanying the same, received by him, and the same shall be then opened and considered. The common council may reject any and all proposals received if its members deem it for the best interests of the city so to do. If a proposal which shall be considered favorable to the city is so received and the check or bond accompanying the same is acceptable, the common council shall accept the same and direct the mayor to enter into a contract with the party making such proposal. The work shall be done under the supervision of the city engineer who may, subject to the approval of the mayor, appoint one or more inspectors thereof and fix their compensation.

Payments
on con-
tract.

§ 5. The common council may at any time during the progress of such work, pay to the contractor such portion of the contract price not exceeding eighty-five per centum of the value of the work when completed (to be certified by the city engineer), as its members may deem advisable; but such payment, if made, shall not be an acceptance of that portion of the work when completed, or a waiver of any of the rights of the city with reference thereto. Such payments may be made from the general city fund or the common council may borrow money, upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum, to make such payments, in which event it shall direct the mayor and city clerk to execute and deliver to the person or corporation from whom said money is borrowed, an obligation therefor signed by them, in the name of the city, and under its seal, payable at the office of the city treasurer at the time when the contract provides that the work shall be fully completed, and deposit the proceeds thereof with the city treasurer, and when due may, if the work is not fully completed, extend the time of payment of such obligation or obligations, but not beyond the time when said work is actually completed.

Certificate
of comple-
tion of
work.

§ 6. When said work shall have been fully completed in accordance with said specifications and contract, the city engineer shall file with the mayor a certificate to that effect (to be

approved by the mayor), and in the office of the city clerk a certified detailed statement of the cost of said work, including the compensation of the inspector or inspectors and city engineer, interest paid or payable upon all obligations given as hereinbefore authorized, and all other disbursements connected therewith. The common council shall at its first meeting after such certificate of completion, with the approval of the mayor endorsed thereon, shall have been filed in the office of the city clerk accept such subways or conduits and appurtenances thereto, and determine the aggregate cost thereof, including the compensation of the inspector or inspectors and city engineer, interest paid or payable upon all obligations given as hereinbefore authorized, and all other disbursements connected therewith, and shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to pay for such improvement, and shall direct the mayor and city clerk to issue the bonds of the city not exceeding ten in number, and in as near as may be equal yearly installments, for such aggregate amount, with interest thereon, payable semi-annually, signed by them, in the name of the city and under its seal; said bonds to become due and payable at the office of the city treasurer, one in one year from the date of said bonds, and one each year thereafter until all said bonds become due and payable and are paid. If for any reason the money needed cannot be borrowed the common council shall cause coupon or registered bonds of the city to be issued in the amounts, form and manner, and payable at the time and place hereinbefore directed, cause them to be properly signed by the mayor and city clerk, the seal of the city attached, and delivered to the comptroller who shall negotiate them, at not less than par and accrued interest, and deposit the proceeds thereof with the city treasurer. All bonds issued shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issue.

§ 7. The bonds so issued and interest thereon, or any part thereof remaining unpaid, after deducting any income from rentals for the use of said subways or conduits and appurtenances thereto, applicable to the payment of said bonds and interest as provided in this act, shall be paid by the city, and the common council shall provide for the payment thereof by

Acceptance of work by the city.

Issue of bonds to pay for improvement authorized.

Payments of bonds.

adding to and including in the annual tax budget of each year (after the determination of the aggregate cost of said improvement) an amount sufficient to pay the balance due and payable that year, until the bonds issued in payment for said improvement are fully paid and retired.

Subway
construc-
tion fund.

§ 8. The city treasurer and the comptroller shall create and keep a separate fund, to be known as the subway construction fund, for all subways or conduits and appurtenances thereto constructed under the provisions of this act. They shall credit to said fund the money borrowed or realized from the negotiation of bonds of the city issued to pay for such improvement; the amount included in the tax budget each year under the provisions of this act, when collected, and all moneys transferred from the subway maintenance and rental fund as hereinafter provided. They shall charge to said fund all orders drawn upon and paid by the city treasurer on account of said improvements, and all interest paid on outstanding bonds issued for said improvements. When the bonds issued for said improvements are due and presented for payment to the city treasurer, he shall pay the same and charge such payment to said fund. In case there is not sufficient money to the credit of said fund to pay any of said bonds or interest thereon when due, the necessary amount shall be transferred by the city treasurer and the comptroller, from the general city fund to said fund, and thereafter moneys received for credit to said fund, so far as the same shall be necessary, shall be used to reimburse said general city fund. All bonds paid by the city treasurer shall be immediately presented to the comptroller for cancellation.

Subway
mainte-
nance and
rental
fund.

§ 9. The city treasurer and the comptroller shall create and keep a separate fund to be known as the subway maintenance and rental fund, for all subways or conduits and appurtenances thereto constructed under the provisions of this act. They shall credit to said fund all moneys received by the city treasurer as rentals for the use of said subways or conduits and appurtenances thereto or from any other source whatever which should be properly credited thereto. They shall charge to said fund all expenditures for maintenance and care of said subways or conduits and appurtenances thereto. They shall transfer from said fund, upon the recommendation of the board of estimate and control and approval of the common council, any surplus moneys to

the credit of said fund, to the subway construction fund. All such moneys so transferred shall be used for the payment of outstanding bonds issued for the construction of subways or conduits and appurtenances thereto under the provisions of this act, and interest thereon, and for no other purpose, until said bonds and interest are paid. After said bonds and interest thereon are all paid and retired, any surplus moneys or profits acquired from the operation of said subways or conduits and appurtenances thereto, shall be credited in the annual tax budget as receipts and used for general city purposes.

§ 10. The commissioner of public works, or if there is no commissioner of public works, then the city engineer, shall have the custody and care of all subways or conduits and appurtenances thereto constructed under the provisions of this act, and for that purpose may appoint such assistants as the board of estimate and control shall recommend and the common council approve; he shall make, subject to the approval of the board of estimate and control, rules and regulations for the management, care and use of said subways or conduits and appurtenances thereto; he shall also have power, subject to the approval of the board of estimate and control, to establish reasonable rates of rents to be charged for the use of said subways or conduits or either of them and appurtenances thereto, and penalties thereon; but the total amount of rents shall not at any time exceed ten per centum per annum of the entire cost of providing, constructing, equipping, maintaining, repairing and operating said subways or conduits and appurtenances thereto. The payment of rents may be required in advance and they shall be payable quarterly at the office of the city treasurer, and such rents and penalties thereon shall be a lien like taxes of the city.

Care of
subways
and
conduits,
appoint-
ment of
assistants
for.

Rental of
subway,
rates of.

§ 11. The commissioner of public works, or if there is no commissioner of public works, then the city engineer, shall file in the office of the city treasurer a schedule of rents and penalties thereon, to be paid by the users of said subways or conduits and appurtenances thereto, and shall record in said schedule, the names, in alphabetical order, of the persons, firms or corporations from whom rents are payable, the amount of quarterly rents due from each person, firm or corporation and when the same shall become due and payable and the penalties attached thereto for non-payment. The city treasurer shall serve upon all persons,

Schedule of
rents and
penalties
to be filed
in office of
city treasurer.

Notice to
pay rent,
service of.

firms or corporations whose names appear upon said schedule, at least five days before quarterly rents become due and payable, a notice either personally or by depositing the same enclosed in a sealed envelope, in the postoffice in said city directed to said persons, firms or corporations at their last known address. according to the best information he may be able to obtain, the postage being prepaid thereon, which said notice shall state the name of the person, firm or corporation, the amount of rents due and payable and the quarter for which said rents are payable and the penalty for non-payment thereof. No error or mistake in the name of any person, firm or corporation in said schedule or notice, or mistake in stating the amount of rents due or a failure to file said schedule or serve said notice, except where fraud is shown, shall relieve any person, firm or corporation properly chargeable with rents for the use of said subways or conduits and appurtenances thereto from the payment of said rents and penalties, or invalidate the lien for said rents due and payable, and such lien may be enforced and foreclosed by action, in any court having jurisdiction to foreclose mortgages upon real estate.

Delin-
quent rents
to be added
to tax
rolls.

§ 12. Upon the receipt of the annual tax rolls from the city clerk, the city treasurer shall add any delinquent rents and penalties thereon, due and payable from any person, firm or corporation to the July installment of taxes due from said person, firm or corporation, and thereafter the aggregate amount in each case shall be regarded as "tax" and shall be collected in the same manner, with like percentage, power and effect as the July installment of the annual city taxes.

Willful
injury to
subways
and con-
duits a
misdeme-
anor.

§ 13. If any person shall wilfully do or cause to be done any act whereby any work, material or property whatsoever, constructed, erected or used by said city in and about its subways or conduits and appurtenances thereto shall in any manner be injured, such person shall be deemed guilty of a misdemeanor.

City to pay
rental.

§ 14. If the city shall use any duct or ducts in said subways or conduits, it shall be chargeable with and pay the fixed rents therefor.

Ordinances
for use of
subway.

§ 15. The officer having the custody and care of said subways or conduits and appurtenances thereto, constructed under the provisions of this act, shall prescribe ordinances for their use and protection, which said ordinances, when ratified and ap-

proved by the common council, and published through the daily newspapers published in said city, shall have force and effect as an ordinance enacted by the common council.

§ 16. The common council of the city of Auburn has the power to control the erection and removal of all telegraphic light or power and telephone poles, wires, cables, electrical conductors in or adjacent to all streets and streets in which such subways or conduits shall have been constructed, and to direct and require that all such wires and other electrical conductors heretofore or hereafter erected be placed in said subways or conduits constructed in the streets of said city, within a reasonable time after such direction and a compliance with such direction and requirement shall be enforced by mandamus or other appropriate remedy of competent jurisdiction, upon the application of the common council.

§ 17. The word streets as used in this act, shall, in all cases, be held to include and be coextensive with thoroughfares, avenues, highways, alleys, public lanes and squares; the word subway and conduit shall mean an underground structure consisting of a series of ducts and manholes, in which are contained through which are distributed, pipes, wires, and all appliances necessary for the maintenance and operation of wires and conductors underground. The word duct as used in this act, means one of the spaces or pipes extending between manholes in the subway or conduit, in which the electrical conductors and appliances are placed.

§ 18. The provisions of this act shall in no manner be construed to interfere with, modify or alter the franchise granted by the city of Auburn on May twenty, nineteen hundred and one, and June three, nineteen hundred and one, to John Flanigan, to the streets or parts thereof in which said Flanigan or his successors or assigns, have constructed subways, or as authorized by the city under said franchise for subway extensions in the future.

§ 19. All statutes of the state, ordinances of the common council and acts or parts of acts so far as inconsistent with the provisions of this act are, so far as the city of Auburn is concerned, hereby repealed, but such repeal shall not affect any right existing or accrued, or any liability incurred by reason of the violation of any law heretofore existing, or any suit

* So in original.

ing already instituted, or action had under the laws or ordinances unless otherwise expressly provided in this act.

§ 20. This act shall take effect immediately.

Chap. 476.

AN ACT to authorize the city of Elmira to issue its bonds for the construction of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Lake
street
bridge
bonds, ex-
ecution and
denomina-
tion of.

Section 1. The city of Elmira by its common council is hereby authorized and directed to issue, by resolution duly adopted, upon the written demand of the board of commissioners herein provided for bearing the signatures of the chairman and secretary of said board, the bonds of said city in a sum not exceeding fifty-five thousand dollars, which bonds shall be known as Lake street bridge bonds, shall be signed by the mayor and clerk and sealed with the seal of said city, shall be of a denomination or denominations and shall mature at such time or times and bear such rate of interest not exceeding four per centum as the common council of said city shall determine, and shall not be sold at less than par value.

Record of
bonds,
"The Lake
street
bridge
fund."

§ 2. The chamberlain of said city shall make and keep in his office a record of said bonds by number, date, amount, date or dates of maturity, and the name or names of the payees, if registered. The money therefrom shall be paid to him and by him placed apart as an independent and exclusive fund, to be known as "the Lake street bridge fund," and shall be disbursed by him upon the orders of said board of commissioners, signed by the chairman and secretary of the said board.

Payment
of bonds.

§ 3. The city of Elmira is authorized to raise by taxation in addition to all other sums now authorized by law, whatever sums may be necessary to pay the interest on said bonds, and the principal at the time of the maturity thereof.

§ 4. John Brand, Robert M. McDowell, Samuel E. Eastman, Commissioners.
Asa P. Bovier, Jervis Langdon and Myer Friendly, and their successors to be chosen as hereinafter mentioned, and members from time to time of the board of public works of the city of Elmira, are hereby appointed commissioners and constitute a board of commissioners for the purposes and to perform the duties specified in this act.

§ 5. The said commissioners, before entering upon their duties, shall take and file in the office of the clerk of the city of Elmira the constitutional oath of office. Oath of commissioners. The first meeting of said board of commissioners shall be held within ten days after the passage of this act on a day and at a time and place to be designated in writing by the mayor of the city of Elmira, or, on his failure to make such designation, within such period, at such time and place as shall be designated by a majority of such board. Organization and first meeting of commissioners. The mayor of said city of Elmira shall be chairman of the said board and shall preside at all its sessions, and the board may elect one of its members to act, in his absence, as vice chairman. Subsequent meetings shall be held at such time and place as the board shall designate, and also upon the call of the chairman or of a majority of the members of said board. Reasonable notice of all meetings of the board shall be given by the secretary to each commissioner personally or by mailing the same enclosed in a postpaid wrapper, addressed to him at his residence and deposited in the postoffice at the city of Elmira. Any vacancy caused by death, resignation or refusal to act of any of the said appointed commissioners shall be filled by the mayor of the said city of Elmira with the approval of a majority vote of the said commission. Filling vacancies.

§ 6. The said board of commissioners shall use and expend the moneys so realized from the sale of said bonds so to be issued for the following purposes and none other: First, for repairing and reconstructing a bridge across and over the Chemung river in the city of Elmira from the foot of Lake street on the north bank of said river to the foot of Pennsylvania avenue on the south bank of said river; or, second, in case the said commission shall decide that said bridge be not repaired and reconstructed, to erect and construct a new bridge on said site and to construct proper approaches thereto; third, for the payment of all reasonable expenses incurred by said board of commissioners in the discharge of its duties. Purposes for which money shall be expended.

1002
PROPOSALS FOR CARRYING OUT PLANS AND SPECIFICATIONS; SALE OF OLD BRIDGE.

§ 7. Said board of commissioners shall cause to be prepared plans and specifications in accordance with its determination, and advertise for proposals to carry out and execute such plans and specifications, all or any of which proposals it may reject, but shall contract for the carrying out and execution of said plans and specifications as advantageously to the city of Elmira as it can. Any contract of said board shall be signed by at least a majority of its members and being so signed shall be thereafter binding upon the city of Elmira. Said board of commissioners shall have power, in case of the construction of a new bridge, to sell the old bridge now on said site and to use the moneys arising from such sale for the construction of the new bridge herein provided for.

Commissioners, powers of; report of.

§ 8. The said commissioners shall serve without compensation for their services. The said board of commissioners shall make a report to the common council when the bridge shall have been completed, and also whenever prior thereto required so to do by said common council. The said board shall have power to do all other things which they may deem necessary and proper to carry out the provisions of this act, not inconsistent therewith. Any unexpended balance of the moneys in said fund after the completion of said bridge and the payment of all obligations and expenses incurred by said board under the provisions of this act shall be applied by the chamberlain of said city of Elmira to the payment of the bonds of said city, and not otherwise.

§ 9. This act shall take effect immediately.

Chap. 477.

AN ACT to amend the charter of the city of New Rochelle in relation to the leasing of certain privileges in Hudson park.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article four of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled

"An act to incorporate the city of New Rochelle," is hereby amended by adding thereto a new section to be known as section sixty-five, which shall read as follows:

§ 65. The common council is authorized and empowered to let to any person or persons for any period of time, not exceeding five years, and under such regulations and subject to such ordinances as have been or shall be made by said common council, the privilege of maintaining and offering boats for hire at Hudson park in said city of New Rochelle, the privilege of maintaining bath houses and conveniences for hire at said Hudson park, and the privilege of maintaining a public restaurant at said Hudson park, or any or all of said privileges. Whenever said common council shall determine to let said privileges or any of them, it shall cause such privilege or privileges to be sold at auction to the highest responsible bidder, after notice of such sale shall have been advertised in the official newspapers of the city of New Rochelle at least once a week for two weeks successively. The person or persons to whom such privilege or privileges shall be sold, shall furnish a bond in such sum as may be determined by the common council.

Privileges of hiring boats, bath houses and maintaining public restaurant, lease or sale of.

§ 2. All acts or parts of acts inconsistent with this act, are hereby repealed.

Laws repealed.

§ 3. This act shall take effect immediately.

Chap. 478.

AN ACT to amend chapter eighty-four of the laws of eighteen hundred eighty-six entitled "An act to incorporate the city of Jamestown," in relation to the police justice.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of title four of chapter eighty-four of the laws of eighteen hundred and eighty-six, entitled, "An act to incorporate the city of Jamestown," as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and

ninety, chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-eight, and chapter two hundred and sixty-seven of the laws of nineteen hundred, is hereby amended to read as follows:

Police
justice,
powers and
jurisdiction of.

§ 8. The territorial jurisdiction of the police justice shall be co-extensive with the boundaries of the city, but his mandate may, upon being properly endorsed, be executed at any place within this state. He shall have the same power and jurisdiction for the arrest and examination of offenders, of summary trials and convictions, and of special proceedings of a criminal nature, except proceedings in bastardy, in all cases arising in said city, either under the common law, the statute law of the state, including this act or the ordinances and by-laws of the city, as is conferred by law upon justices of the peace of towns, to the exclusion of all magistrates not officers of a court of record, except as otherwise provided by this act. He shall also have power to hear, try and determine all charges of misdemeanor alleged to have been committed within the said city, except the charge of conspiracy. Such trials shall be conducted in like manner as trials in courts of special sessions, and such criminal actions may be removed from the jurisdiction of the police justice in the manner now provided by law for the removal of actions from courts of special sessions. An appeal from the police court of said city may be had in the same manner provided by law for appeals from courts of justices of the peace and from courts of special sessions. Whenever a defendant, tried before the said police justice, shall be convicted, said police justice shall render judgment upon such conviction and may inflict such punishment by fine and imprisonment, or both, as any court of record may render and inflict in a like case, as provided by law. The common council shall designate one of the justices of the peace of said city as acting police justice, and in case of the absence, inability or disqualification of said police justice to act, or in case the office of police justice becomes vacant, the said acting police justice shall perform the duties of the police justice during such absence, inability or disqualification, or during such vacancy in the office of police justice. While performing the duties of police justice the acting police justice shall have the same powers and jurisdiction which is given by this act to the police justice. The common council may provide for the compensation of the acting

Conduct
of trials.

Appeals.

Judgment.

Acting
police
justice,
powers and
duties of.

police justice for performing the duties of police justice. The police justice or acting police justice may commit any person convicted by or before him of a criminal offence to imprisonment in the Erie county penitentiary at Buffalo, and all fees of officers for executing such commitment shall be chargeable to the county of Chautauqua. Such police justice shall demand, receive and impose, in all actions and proceedings before him, and for all services rendered by him, the costs, fees and fines which may be by law demanded, received or imposed, by courts of special sessions and by justices of the peace, in like actions and proceedings and for like services; and all such costs, fees and fines, as well as all other moneys received by him as such police justice shall belong to the city of Jamestown. He shall, on the first day of every month during his official term, Sundays excepted, pay to the treasurer all moneys received by him during the previous month belonging to the city, and take the treasurer's receipt in duplicate therefor; and he shall, at the first regular meeting of the common council thereafter, render and present to it an itemized account of all such moneys, together with one of the duplicate receipts. He shall keep an account of all services performed by him and by any member of the police force of said city which, if performed by a justice of the peace or a constable, would be chargeable to the county of Chautauqua, and shall present annually to the board of supervisors of said county an account of such services in the form and within the time required to have the same audited by said board of supervisors, and the same shall be audited by it to the city of Jamestown, levied and collected in the same manner as other county charges, and paid to the said city treasurer for the use of said city, who shall forthwith thereafter deliver to the common council and file with the clerk a receipt therefor. For any neglect of such police justice to make such report or pay over such moneys, as required by this section, without showing a satisfactory excuse therefor to the common council, it may remove him from office. In addition to the powers hereinbefore conferred upon said police justice, he shall have the same power and authority to administer oaths and take affidavits and, on filing with the clerk of Chautauqua county a certificate under the seal of said city, signed by the city clerk, of his election and the filing of his oath of office, to take the acknowledgments of deeds and other instruments with which justices of the peace o

Costs, fees
and fines.

Monthly
report.

Account of
services to
be kept.

Additional
powers of
police
justice.

Office,
where kept.

Docket.

Books to
be open
for public
inspection.

Bail.

towns are now invested, and shall be entitled to charge and receive the same fee therefor, except from persons acting for and in the business of said city. Said police justice shall keep his office in the central part of the city, at a place to be approved by the common council. It shall be his duty to attend at his office at all reasonable hours of the day, and to hear all matters within his jurisdiction. He shall enter in a book to be furnished by the city, a record of the several complaints made before him, upon which a warrant or other process for the arrest of any person accused shall be granted, and in all cases where the offender or person accused shall be brought before him without process, which record shall contain, under the proper date, the names of the parties, a brief statement of the nature of the offence charged, the name of the officer arraigning the accused, the action of the police justice thereon, and an accurate account of all fines, penalties and costs imposed and collected by him, or which may be ordered to be paid by any offender. Such books shall be open for inspection to the public at all reasonable hours, and the contents thereof may be proved, in any action brought in any court, in like manner and with the same effect as the docket kept by a justice of the peace in a civil action. Said police justice shall not receive for his own benefit any fee for services under this act, but he shall receive an annual salary of one thousand dollars to be paid monthly. In addition to the powers hereinbefore conferred upon the said police justice, he shall have power to let to bail persons charged with crime before him in all cases of misdemeanor and in all cases of felony when the imprisonment of any such person on conviction cannot exceed five years; and in case of the absence from the said city of a justice of the supreme court, and of the county judge, and of the special county judge of said county, or the inability of any of them to act, the said police justice shall have the same power to let to bail as a county judge of said county of Chautauqua.

§ 2. This act shall take effect immediately.

Chap. 479.

AN ACT to amend chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton" and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of title six of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," is hereby amended to read as follows:

§ 4. Whenever any tax or assessment shall be returned to the clerk, accompanied by the affidavits as above provided and he shall certify the same as aforesaid, he shall, with the board of assessors, make a proper description of the land on which such tax or assessment is laid, and cause a list and description of such lands to be published in the official paper once in each week for six weeks successively, with a notice that if the taxes thereon are not paid to the clerk, with the seven per centum fee, the interest and expenses, on or before a certain day, to be therein designated, which shall not be less than six weeks from the first publication thereof, the lands and tenements on which they are imposed, will be sold at public auction, at the city hall in the city of Binghamton, which sale shall commence at ten o'clock in the forenoon of the day next after the last day for the payment to said clerk of said taxes or assessments, fees and expenses with the interest, and continue from day to day until all of said lands are disposed of. Should any errors be discovered in the description of the lands so assessed and taxed, the said clerk may correct the same at any time previous to the sale, and no errors in the printed description in such newspaper shall vitiate or in any manner affect the validity of such sale. The printer of the newspaper in which such list shall be published, shall, within ten days after the last publication thereof, deliver to the clerk, to be filed,

Sale of
lands for
unpaid
taxes,
notice of.

Correction
of errors
in descrip-
tion.

Sale of
property.

Certifi-
cates of
sale.

Amount
of real
estate to
be sold.

Indexing
certificate
of sale.

an affidavit of publication, made by himself, his foreman or his principal clerk, which affidavit shall be presumptive evidence in all courts and places of the facts therein stated. If any tax or assessment, or the fees, interest and expenses thereon, shall remain unpaid on the day specified in the notice the clerk shall proceed to sell by public auction, the property on which such tax or assessment shall have been imposed. The purchasers at such sale shall pay the amounts of their respective bids to the said clerk immediately after the sale, and after such payments shall have been made the said clerk shall add a penalty of ten per centum thereto for the benefit of the said purchasers. Three certificates of sale of each parcel of land so sold shall be made out, subscribed and acknowledged by said clerk; one of which certificates shall be delivered to the purchaser, another filed in the city clerk's office, and another filed in the office of the clerk of the county of Broome, within ten days after such sale. If there be two or more purchasers a certificate shall be delivered to each. Such certificates shall contain a particular description of the premises sold, the price bid for each distinct lot or parcel, the whole consideration money paid, the name of the person or persons against whom such tax or assessment was made, the name of the purchaser, the particular tax or assessment for which the sale was made, and the time when such sale will become absolute and the purchaser entitled to a conveyance according to law. In making such sale, the officer making the same shall, as nearly as possible, sell so much of the real estate only as the said tax or assessment shall have become a lien upon, as may be sufficient to raise the amount of said tax or assessment, fees, interest and expenses, and which may be sold separately, without material injury to the entire premises. The certificate herein required to be filed in the clerk's office of the county, shall be duly recorded by the said clerk, in the same manner as deeds are required to be recorded by law, and, being so recorded, shall have the same effect, as against subsequent purchasers and incumbrances, as deeds and conveyances duly proved and recorded; and such certificate or record, or a duly authenticated copy of such record, shall be received in all courts and places, as prima facie evidence of the facts therein stated. In indexing any certificate so to be recorded in his office, or any deed which may be given pursuant thereto, the said county clerk

shall index the same as follows: By inserting, as grantor, the name of the person named in such certificate as owner, adding thereto the words by the city of Binghamton, and by inserting as grantee, the name of the person named in such certificate as the purchaser. The city clerk of said city shall provide and keep in his office a suitable book, in which he shall enter at length all such certificates of sale filed therein, and shall index all such certificates in the manner above required. Whenever any purchaser at such sale shall neglect to pay the amount of his bid for ten days after the conclusion of any sale of lands for taxes or assessments, pursuant to this act, it shall be lawful for said clerk to cancel such sale, by which all the rights of the said purchaser under such bid shall be extinguished and issue a certificate of such sale to any other person who will pay the amount for such certificate which would be payable by the original purchaser, in case the said sale had not been canceled; or, if such certificate can not be sold, he may transfer the same to the city of Binghamton, and the certificates issued to such new purchaser, or to the city of Binghamton, shall transfer the same rights that would have been obtained by the successful bidder at the sale had he completed his purchase. The certificates of sale hereinbefore mentioned, shall be assignable by the purchaser or his legal representatives, and such assignment shall be acknowledged or proven in the manner required by law to entitle deeds of real estate to be recorded; and the city of Binghamton may give to the assignee of any such certificate a conveyance of the real estate therein described, provided all assignments thereof shall have been duly recorded in the clerk's office of said county, and a certified copy of such record filed in the office of said city clerk.

Cancellation of sale.

Assignment of certificate of sale.

§ 2. Section five of said title six of said chapter two hundred and fourteen of said laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

§ 5. It shall be the duty of the clerk to bid in at such sale, for the city of Binghamton, any lot of land or premises put up for which no person will offer to bid, and, if previously authorized by the common council, any lot of land or premises upon which the city may have any lien or claim, and he shall make, file and record certificates of such sale in the same manner

Clerk to bid for city if no other bids are offered.

Redemption.

and with the same effect as though the purchase was made by an individual. Such purchases shall be subject to the same right of redemption as purchases by individuals, and if the lands sold shall not be redeemed, the clerk shall execute a conveyance thereof to the city of Binghamton, or its assigns, which shall have the same effect, and become absolute in the same time, and on the performance of the like conditions as in the case of sales to individuals. The clerk shall whenever directed by the common council assign any certificate held by the city to any person who shall pay to him for the city the amount due to the city on such certificate, and the assignee of such certificate, if the lands therein described be not redeemed, shall be entitled to a deed therefor which shall have the same effect and become absolute in the same time, and on the performance of the same conditions as though such certificate should have been originally issued to such assignee. The right and title of the person to any real estate which shall be sold as hereinbefore provided, shall not be divested by such sale, until the expiration of eighteen months from the last day of such sale; but if such real estate shall not have been redeemed as herein provided, and a deed shall be executed in pursuance of a sale, the grantee in such deed shall be deemed vested with the legal estate from the time of such sale, for the purpose of maintaining an action for any injury to such real estate.

Assignment of certificate by clerk.

When sale becomes absolute.

§ 3. Section six of said title six of said chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

Redemption by tenant.

§ 6. The owner of or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within eighteen months by paying to the city clerk, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises, together with the penalty of ten per centum and all fees paid by said purchaser, with interest on all said sums at the rate of ten per centum per annum from the day of sale, together, also, with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the

rate of ten per centum per annum upon such tax or assessment from the day of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons, until the termination of their disability. In case of the redemption of any land by any person entitled to redeem as hereinbefore provided, the clerk shall give to such person a receipt for the moneys paid for such redemption, which receipt shall be acknowledged by said clerk as a deed to be recorded, and such receipt so acknowledged, when filed and recorded in the office of the clerk of the county of Broome, shall operate to discharge the recorded certificate of sale and said clerk shall so note upon the margin of said record; and the city clerk shall so note upon the record of the certificate in his office.

Redemption by infants and incompetent persons, time for.

§ 4. Section seven of said title six of said chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

§ 7. The clerk shall make return to the city treasurer of the taxes and assessments paid to him as often as once in each week, and where any moneys are paid to him for or on account of the redemption of any property, he shall accompany his return to the treasurer with a statement showing the name of the person against whom the sale was made, the date thereof, the amount of the redemption money paid and the name of the holder of the certificate of sale; and said treasurer shall credit such amount to a fund to be known as tax redemption fund, in all cases where the city is or will be liable to pay said moneys to the holder of said tax certificate, and such fund shall not be used or employed for any other purpose, and shall be paid to the proper party by direction of the common council, and by a warrant drawn on such fund in the same manner as warrants are drawn on other funds of the city; and where it shall have been discovered and proven to the satisfaction of the common council, before any deed shall have been given, that any sale of any parcel of land is void by reason of some error in the assessment, or in the extending of the tax, or for want of a proper description, the common council shall order the amount paid according to the certificate to be returned to the purchaser or the then holder of such certificate, with interest from the time of such payment for such certificate; and the fact of such erroneous assessment and cancelation of the sale shall be reported to the board of assessors, who shall have the

Return of clerk to treasurer for taxes paid or for redemption of property.

Return of purchase money because of error in assessment.

power and it shall be their duty to place such property on the next annual city assessment roll with the error corrected and the tax thereon shall be extended at the rate for the year when said erroneous assessment was made, except that where such assessment shall have been for a local improvement, it shall be the duty of the common council to order the correction of said assessment, the proceedings therefor to be the same, as near as may be as in the original assessment for such local improvement.

§ 5. Section eight of said title six of said chapter two hundred and fourteen of said laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

§ 8. After the expiration of eighteen months from the time of the sale of any real estate, as herein provided, if any part of the premises sold shall remain unredeemed, as in this title provided, the city of Binghamton shall give to the purchaser, his legal representatives or assigns, a conveyance of the premises so remaining unredeemed, which conveyance shall be valid and effectual to convey all the right, title and interest which may have been sold in manner aforesaid, and such conveyance shall be presumptive evidence in all courts and places that the tax or assessment for which such real estate may have been sold, was legally imposed and that the proceedings to authorize such sale were correct. The grantee named in any such conveyance may obtain the possession of the real estate therein described, in the manner prescribed by law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords, and said grantee, by virtue of such conveyance, shall acquire all the right, title and interest in the real estate therein described, and the right to the possession of the same, and shall have, hold and enjoy the same, free and clear from all claims, liens or incumbrances, except such taxes and assessments as may have been charged thereon at the time of such sale, or at any time thereafter. No owner whose deed, or in case he holds such property by descent or devise, the deed of his ancestor or devisor, shall have been duly recorded in the office of the clerk of the county of Broome, before the sale thereof for any tax or assessment, and no mortgagee, lessee or assignee of either whose mortgage, lease or assignment shall have been so recorded, shall be divested of all his rights in such property, by reason of such sale, unless six months' notice in writ-

ing of such sale, shall have been given by the purchaser or those claiming under him, to such owner, mortgagee, lessee or assignee, personally, if a resident in the county of Broome; or if such owner, mortgagee, lessee or assignee be not such resident, then by depositing such notice in the postoffice of said city, in a securely closed, post-paid wrapper, directed to such owner, mortgagee, lessee or assignee at his place of residence as stated in the deed, mortgage, lease or assignment, or if not so stated, then directed to such owner, mortgagee, lessee or assignee, at Binghamton, New York. And it shall be the duty of the person serving such notice, or causing the same to be served, to present a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom such affidavit shall be taken, to be a credible person, proving the due service of said notice, and the clerk shall note thereon and upon the certificate of sale recorded in his office, the fact of such presentation at the city clerk's office, the date of such presentation, and subscribe his name and official title thereto: and such copy notice, proof of service and endorsement as aforesaid shall be attached to and be recorded with the deed given by the city, in the office of the clerk of the county of Broome. The deed to be given hereunder shall contain a brief recital of the proceedings had for the sale of said lands, and shall be under the corporate seal of the city and be signed by the mayor and clerk.

Service of
notice of
sale.

Affidavit
of service.

Deed to
contain
recital of
proceed-
ings.

§ 6. Section ten of said title six of said chapter two hundred and fourteen of said laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

§ 10. The expenses attending the advertisement, sale and conveyance of real estate for unpaid taxes or assessments, by virtue of this act, shall be as follows: For advertising each parcel, one dollar; clerk's fee for giving each certificate, twenty-five cents; for recording certificate in county clerk's office, seventy-five cents, the expense of advertising and for certificates and county clerk's fee for recording thereof to be paid by the purchaser at the time of taking his certificate, for each deed two dollars, to be paid at the time of delivery; and in addition thereto, ten cents for each additional parcel of land, more than one, conveyed by such deed, which sums shall be paid by the person receiving such certificate, or by the grantee named in such deed, to the clerk, who shall account to the city treasurer for the moneys received for

Expenses
for adver-
tising sale
and con-
veyance of
real
property.

advertising said parcel as above provided, and the remainder of said fees except the fee paid to the county clerk for recording certificate, shall belong to said clerk. In addition to the foregoing, and any other fees or penalties required to be paid by any of the provisions of this title, any person redeeming any parcel of land sold for taxes or assessments hereunder, after the service of the notice hereinbefore provided, shall pay to the clerk for the benefit of the purchaser, the sum of one dollar for each and every such notice served and the sum of two dollars for searches for incumbrances.

§ 7. Section eleven of said title six of said chapter two hundred and fourteen of said laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

Removal of
building,
etc., by
purchaser
after re-
demption.

§ 11. The purchaser of any real estate sold for a tax or assessment, pursuant to the provisions of this act, or his heirs or assigns may, within a reasonable time, not exceeding ninety days after any redemption, remove any buildings or improvements erected by such purchaser thereon. Nothing in this act contained shall operate to in anywise affect any tax or assessment lien or any tax certificate now existing or outstanding, on any lands within the city of Binghamton, but every sale hereafter made under the provisions of this act shall be made subject to all outstanding certificates given upon sales previously had.

§ 8. This act shall take effect immediately.

Chap. 480.

AN ACT to amend chapter four hundred and fifty-two of the laws of nineteen hundred and four, entitled "An act to authorize the city of Utica to extend its system of drainage and to borrow money to pay for the same."

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and fifty-two of the laws of nineteen hundred and four, entitled "An act to

authorize the city of Utica to extend its system of drainage and to borrow money to pay for the same" is hereby amended to read as follows:

Section 1. The city of Utica is hereby authorized to extend its system of drainage from its present outlets into the Mohawk river to and into the new barge canal, as the same shall be laid out and constructed, or to and into the Mohawk river, either by means of an intercepting sewer which shall connect with one or more of the present sewers of said city or by extending the present sewers or partly by extending present sewers and partly by an intercepting sewer. Extension of drainage system.

§ 2. Section two of chapter four hundred and fifty-two of the laws of nineteen hundred and four is hereby amended to read as follows:

§ 2. The cost of constructing any intercepting sewer or any extension of any present sewers, made for such purpose shall be a general city charge, and the common council shall have power to borrow money to pay such cost. Cost of extension be a city charge.

§ 3. Section three of chapter four hundred and fifty-two of the laws of nineteen hundred and four is hereby repealed. Section repealed.

§ 4. Section four of chapter four hundred and fifty-two of the laws of nineteen hundred and four is hereby amended to read as follows:

§ 4. Such intercepting sewer or extensions of existing sewers, shall be determined upon and constructed in the manner provided for by section ninety-nine of the city charter, except that notice of the filing of said plans and specifications shall be published in the official newspapers for three times a week for not less than three weeks, and the common council shall not act in relation to its construction until at least five weeks from the first publication thereof, and one or more such sewers may be included in the same proceeding. The work done under any contract let as provided in this act shall be under the supervision of the officers of such city heretofore or hereafter elected or appointed who have by law the supervision and control of the construction of any of the public works or improvements in such city, and no contract for the construction of such work shall contain any provision depriving such officers of any of their powers of supervision and control as above provided. Notice of filing plans and specifications. publication of. Supervision of work.

§ 5. Section five of chapter four hundred and fifty-two of the laws of nineteen hundred and four is hereby amended to read as follows:

Issue of
bonds to
pay ex-
pense
authorized.

§ 5. The common council for the purpose of providing money to pay the cost of such sewers may issue the corporate bonds of said city to such amount as may be necessary for the purpose and such bonds may be issued from time to time during the construction and after the completion of the work as the common council deems it necessary or expedient to provide such money or portions thereof.

§ 6. This act shall take effect immediately.

Chap. 481.

AN ACT to amend chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland" relative to revising certain sections of the charter.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and forty of chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland" is hereby amended to read as follows:

§ 240. Limitation of actions against the city.—No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty days after the claim, debt or demand shall have been presented to the common council for audit. All actions brought against the city upon any contract liability, expressed or implied, or upon or on account of any other liability whatever, or for either legal or equitable relief, must be commenced within one year from the time that the cause of action accrued, or if for injuries to the person or property caused by negligence within one year from the time of receiving the injuries, and in all cases within six months after the omission or refusal of the common council to allow the

claim; and no action or proceeding shall be maintained against the city for personal injuries, unless notice in writing of the intention to claim damages and of the time and place at which such injuries were received and the nature and extent of such injuries, shall have been filed with the corporation counsel within one month after such injury shall have been received and an omission to present such notice, within the time as above provided shall be a bar to an action thereon against the city. The city of Cortland shall not be liable for the damage or injury sustained by any person in consequence of any highway, street, sidewalk or crosswalk in said city being out of repair, defective, unsafe or dangerous or obstructed by snow, ice or otherwise unless actual notice of the defective, unsafe, dangerous or obstructed condition of said highway, street, sidewalk or crosswalk shall have been given to the mayor, or board of public works, or superintendent of public works of said city, at least twenty-four hours previous to such damage or injury.

§ 2. This act shall take effect immediately.

Chap. 482.

AN ACT authorizing the town of Islip, in the county of Suffolk, to acquire a site and building for town purposes, and to borrow money therefor.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The electors of the town of Islip, in the county of Suffolk, at a biennial town meeting or at a special town meeting called for such purpose, may authorize the expenditure of not to exceed ten thousand dollars for the purchase of a site and the erection thereon of a fire proof building for town purposes.

§ 2. The town board of the town of Islip is hereby authorized to borrow the sum of ten thousand dollars, and such additional sums as may be hereafter authorized by vote of the electors at any regular town meeting, for the purchase of such site and building such town hall, in the name and upon the credit of such

Amount
to be
expended.

Town may
borrow
money and
issue
bonds.

town by the issue of bonds to be signed by the supervisor of such town and attested by the town clerk.

Terms and
sale of
bonds.

§ 3. Such bonds shall be payable not more than twenty years from the date of issue, shall bear interest at a rate not exceeding five per centum per annum, and shall be sold at not less than par.

Payment
of bonds.

§ 4. Such town board shall cause to be levied and collected on the taxable property of said town in each year, in the same manner as other town taxes are levied and collected the amount necessary to pay the principal and interest due upon said bonds as same shall become due and payable, as provided by general law.

§ 5. This act shall take effect immediately.

Chap. 483.

AN ACT to amend chapter two hundred and twenty-five of the laws of nineteen hundred and one, entitled "An act to incorporate the city of Oneida," in relation to special elections.

Accepted by the city.

Became a law, May 17, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twenty-five of section fifty-nine of chapter two hundred twenty-five of the laws of nineteen hundred one, entitled "An act to incorporate the city of Oneida," as amended by chapter two hundred seventy-three of the laws of nineteen hundred and four, is hereby amended to read as follows:

Extra-
ordinary
expendi-
tures, esti-
mates for.

25. Whenever the common council shall resolve, by the affirmative vote of a majority of all its members, that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and state how such fund is to be raised, whether by tax in one sum or by bonding, and in case of bonding, a general statement of the manner and time of payment, and publish such resolution and estimate once in each week for three successive weeks in the official newspapers, together with a notice that at a time and place therein specified a special elec-

tion of the taxpayers of the city will be held to decide whether the amount of such expenditures shall be raised by tax or by bonding, or the same may be submitted upon like notice at any general election. All special elections shall be held at such place within the corporation tax district as the common council shall designate in such notice to be published as aforesaid, and the council shall designate three inspectors of election, one each from three different wards within the corporation tax district, who shall act as inspectors of election and ballot clerks at such special election, and receive therefor a compensation of three dollars each. The city clerk shall act as clerk of such special election. All provisions of law describing the duties of inspectors of election and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held hereunder. Every elector who shall have been assessed and taxed upon the last assessment roll of the city before said special election, or whose wife was so assessed, and no other person shall be entitled to vote at such election. But no person shall vote upon a proposition where the amount thereof is to be raised entirely within said corporation tax district, unless he be an actual resident and he or his wife an actual taxpayer within said corporation tax district; the election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required and the amount thereof, and be in the form required by the election law for holding elections upon questions submitted. The inspectors shall, at the time and place designated as aforesaid for holding a special election, sit without intermission, from nine o'clock in the forenoon to four o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a special ballot box to be provided by the city. If the right to vote of any person offering to vote upon such a question at such special or general election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: In case a vote be offered on a proposition to raise money by tax or issue bonds affecting the entire city, the following oath shall be administered: "You do swear that you are a resident voter within the city of Oneida, that you or your wife is an actual taxpayer of the city of Oneida, and that you have not voted at this election."

Special
election,
notice of.

Conduct of
special
elections.

Qualifica-
tion of
voters.

Challenges.

Oaths to be
adminis-
tered to
voters,
form of.

In case the vote be offered upon a proposition to raise money by tax upon property entirely within, or bonds to be paid by the corporation tax district the following oath shall be administered: "You do swear that you are a resident voter of the corporation tax district of the city of Oneida, that you or your wife is an actual taxpayer within said corporation tax district, and that you have not voted at this election." After he shall take such oath or oaths (as the case may be) and if he or his wife shall be assessed upon the assessment roll of said entire city or said corporation tax district (as the case may be) his vote shall be received. The inspectors shall canvass the votes cast immediately after closing the poles* and immediately make a certificate, signed by them stating the whole number of ballots voted at such election, the whole number for each special tax, or resolution, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the election so certified to be entered in the minutes. The common council shall cause the sum or sums of money thus voted to be raised by tax to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment roll, or shall issue and sell bonds so authorized in the manner provided by section ninety-six of this act and provide for their payment. After such special tax or taxes shall have been authorized as herein provided, or such bonds have been sold, the common council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of said tax, and the amount so raised or borrowed shall be expended only for the purpose or purposes for which the special tax was voted, or bonds issued; and such money borrowed without such bonds, shall be repaid within one year from the proceeds of the tax. The expenses of all special elections held solely within the corporation tax district shall be borne by such district and paid out of the contingent fund.

§ 2. This act shall take effect immediately.

* So in original.

Canvass
of votes
and certifi-
cate of
result.

Delivery
of certifi-
cate to
common
council.

Common
council
may
borrow
amount
voted in
anticipa-
tion of
collection
of tax.

TABLE

OF

GENERAL LAWS AND SECTIONS OF THE CODES AMENDED OR REPEALED BY THE LAWS OF 1905.

I. GENERAL LAWS AMENDED.

Revised Statutes.

Part.	Chapter.	Title.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
3.....	8	16	29	Expenses of repairs, etc.....	825	600

Laws.

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
1867..	744	10	<i>New York State Institution for Blind—</i> Bond of treasurer.....	154	848
1869..	855	4	<i>Public monuments—</i> Vote on money for.....	277	528
1871..	238	2, added	<i>Court of Appeals—</i> Clerks and salaries.....	247	488
1883..	215	1	<i>Supreme court—</i> Stenographers' fees and duties.....	390	908
1890..	563	82	<i>General corporation law—</i> Extension of corporate existence.....	256	494
1890..	564	2	<i>Stock corporation law—</i> Powers of	745	2113
1890..	564	21	Directors, change in number	750	2121
1890..	564	80	Annual report to secretary of state, what to contain.....	415	951
1890..	564	82	Alteration or extension of business....	751	2122
1890..	564	51	Issue of stock.....	85	89
1890..	564	59	Consent to change of place of business.....	489	1119

TABLE OF LAWS AMENDED OR REPEALED.

GENERAL LAWS AMENDED—(Continued).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
<i>Railroad law—</i>					
1890..	565	2	Incorporation	727	2055
1890..	565	7	Acquisition of property.....	727	2056
1890..	565	49a, 49b, added	Inspection of locomotive boilers.....	611	1504
1890..	565	78	Approval of lease by stockholders.....	695	1859
1890..	565	91	Consent of property owners in Kings county	650	1646
1890..	565	112, added	Protection of employees in Kings and Queens counties	458	990
1890..	565	112, added	License fees, adjustment of.....	651	1649
1890..	565	150, 156, 169, 170	Increase in board of commissioners.....	728	2057
<i>Transportation Corporation Law—</i>					
1890..	566	82, sub. 2	Water corporations.....	210	482
<i>Highway Law—</i>					
1890..	568	4, sub. 5	Removal of snow	672	1701
1890..	568	10	Extraordinary repairs of highway and bridges	417	953
1890..	568	21	Opening obstructed highways.....	672	1702
1890..	568	33, sub. 6, added	Assessments for removal of snow	672	1708
1890..	568	51	Working the highways	108	151
1890..	568	58a	Cutting weeds and brush.....	298	556
<i>Town Law—</i>					
1890..	569	15	Highway commissioners.....	209	481
1890..	569	45, added	Tree warden, appointment and duties.....	502	1161
1890..	569	162	Auditing town accounts.....	89	125
1890..	569	178, sub. 8	Fees of supervisors	642	1576
<i>University law—</i>					
1892..	378	7	Quorum of regents.....	161	351
<i>Crematories—</i>					
1892..	516	1	Trusts for crematories.....	393	921
<i>Legislative law—</i>					
1892..	682	4	Punishment for contempt.....	23	25
<i>Executive law—</i>					
1892..	683	81	Number of notaries.....	173	375
<i>General municipal law—</i>					
1892..	685	25b, added	Water rights, Putnam and Westchester counties	788	2100
<i>County law—</i>					
1892..	686	12 sub. 19, added	Sale of judgments, etc.....	244	479
1892..	686	19	Designation of papers to publish session laws.	496	1156
1892..	686	23	Compensation of supervisors, Niagara county.	20	23
1892..	686	110	Tax on dogs.....	261	504
1892..	686	140a, added	Deputy county treasurers in certain counties	278	527

TABLE OF LAWS AMENDED OR REPEALED.

3

GENERAL LAWS AMENDED—(Continued).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
<i>County law—(Continued).</i>					
1892..	686	222, sub. 8.	Salary of county judge and surrogate, Broome county.....	666	1692
1892..	686	222, sub. 13.	Salaries of county judge and surrogate, Dutchess county.....	160	851
<i>Banking law—</i>					
1892..	689	8	Security for State deposits.....	872	876
1892..	689	8	Examinations by superintendent of banks...	394	922
1892..	687	17	Impairment of capital.....	649	1644
1892..	689	20	Reports of banks and trust companies.....	297	564
1892..	689	21	Penalties for failure to report.....	297	560
1892..	689	21a, added	Duty of directors of banks and trust companies.....	418	954
1892..	689	22	Publication of reports.....	297	566
1892..	689	25	Loans, etc.....	456	995
1892..	689	39, added	Communications from banking department.	416	952
1892..	689	62	Deposit of State funds.....	372	877
1892..	689	116, subs. 5 and 6	Securities in which deposits in savings banks may be invested.....	401	930
1892..	689	181	Advertising, etc.....	564	1255
1892..	689	156, sub. 6	Powers of trust companies.....	414	951
1893..	689	174	Shares and capital.....	604	1490
1892..	689	176	Withdrawal of free shares.....	757	2128
1892..	689	179	Loans upon second or divided mortgage plan.	491	1147
1892..	689	195b	Expenses of building and mutual loan corporations.....	673	1704
<i>Insurance law—</i>					
1892..	690	52	Amendment of certificates.....	574	1272
1892..	690	59, added	Policies, what to contain.....	568	1261
1892..	690	70	Credit and casualty corporations.....	573	1270
1890..	690	86	Casualty insurance corporations, assets, etc.	113	102
1892..	690	117	Surplus profits, how estimated.....	251	488
1892..	690	138	Impairment of reserve fund.....	566	1258
1892..	690	139	Change of name.....	566	1258
1892..	690	162, added	Application of article.....	566	1260
1892..	690	207	Expense of management.....	569	1262
1892..	690	208	Hearing.....	569	1264
1892..	690	234	Mutual benefit associations.....	567	1260
1892..	690	261, 264, 266, 271, 278	Powers of town and county corporations....	217	440
1892..	690	280	Hearing, etc.....	569	1264
<i>Public buildings law—</i>					
1898..	327	41	Music, band of.....	32	85
<i>Agricultural law—</i>					
1893..	338	23	Sale of imitation cream.....	602	1487
1898..	338	23	Regulations as to butter and cheese factories	601	1485
1898..	338	32	Licenses to milk dealers.....	603	1488
1898..	338	70a	Compensation to owners of animals destroyed	167	859
1898..	338	70e	Sale of bob veal.....	171	863
1898..	338	art. 5, §§ 71-78	Sugar beet culture.....	759	2133
1898..	338	165	Adulteration of foods with methyl or wood alcohol.....	100	140

GENERAL LAWS AMENDED—(Continued).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
			<i>Agricultural law—(Continued).</i>		
1893..	838	art. 14, §§ 190, 191, added	Agricultural statistics.....	248	478
			<i>Public health law—</i>		
1898..	661	80a, added	Relief of indigent Indians in case of epidemic	808	572
1898..	661	41, 46	Use of methyl or wood alcohol for adulterative purposes.....	122	188
1898..	661	125	Annual Report of Health Officer of Port of New York.....	284	540
1898..	661	158	Penalties, etc.....	455	994
1898..	661	212	Bathing establishments.....	454	991
			<i>Public lands law—</i>		
1894..	817	62	Release of escheated lands.....	360	815
1894..	817	97a, added	Niagara reservation.....	508	1166
			<i>Canal law—</i>		
1894..	838	51	Division engineers, etc.....	309	581
			<i>Consolidated school law—</i>		
1894..	556	tit. 8, § 80	Changing school districts.....	258	500
1894..	556	tit. 16, §§ 5, 7, 9, 10	Compulsory education.....	280	531
1894..	556	tit. 16, § 8	Arrest of truants.....	311	582
			<i>Pawnbrokers—</i>		
1895..	826	1	Act extended.....	338	608
			<i>Jury law—</i>		
1895..	869	16	Jury lists.....	31	84
			<i>Supreme court—</i>		
1895..	558	5	Official referees.....	204	423
			<i>Membership corporations law—</i>		
1895..	559	7	Consolidation of cruelty corporations.....	663	1688
1895..	559	10	Directors and trustees.....	820	591
1895..	559	52	Taxation of lot owners in cemeteries.....	123	184
1895..	559	73, added	Cruelty corporations, change of office.....	271	522
1895..	559	90	Certificate of incorporation.....	820	592
1895..	559	92	Dissolution.....	820	593
1895..	559	98	Additional directors.....	820	593
1895..	559	120	Certificates of incorporation.....	411	947
1895..	559	121	Property, erection of monuments.....	411	947
			<i>Religious corporations law—</i>		
1895..	728	8	Removal of remains from church cemeteries	324	599
1895..	728	15	Property of extinct churches.....	193	411
1895..	728	32	Filling vacancies.....	46	58
			<i>Liquor tax law—</i>		
1896..	112	2	Definition of trafficking in liquors.....	679	1730
1896..	112	16	Local option.....	680	1731
1896..	112	17, sub. 5	Statement of applicant for license.....	677	1725
1896..	112	17, sub. 8	Consent of owners of property.....	677	1727

TABLE OF LAWS AMENDED OR REPEALED.

5

GENERAL LAWS AMENDED—(Continued).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
			<i>Liquor Tax Law—(Continued).</i>		
1896..	112	28	Who not to traffic in liquors.....	680	1785
1896..	112	24, sub. 1	Places in which sale of liquor is prohibited..	104	145
1896..	112	24, sub. 2	Places where liquors shall not be sold.....	677	1728
1896..	112	28, sub. 2	Revocation of licenses.....	680	1787
1896..	112	31b, added	Buildings, etc.....	698	1805
1896..	112	84, sub. 7,			
		added	Penalties, etc.....	680	1743
1896..	112	86	Collections of fines.....	680	1743
			<i>Poor law—</i>		
1896..	225	141a, added	Reports of poor officers.....	273	524
			<i>Domestic relations law—</i>		
1896..	272	11, sub. 1	Solemnization of marriages.....	499	1159
1896..	272	80	Rights of married women.....	495	1155
			<i>Soldiers and sailors—</i>		
1896..	371	1, 2	Licenses.....	162	852
			<i>Criminals, identification of—</i>		
1896..	440	2	Expenses, increase of.....	526	1204
			<i>Insanity law—</i>		
1896..	545	3	Commission, etc.....	490	1120
1896..	545	4	Employees.....	490	1121
1896..	545	6a	General powers as to State hospitals.....	490	1122
1895..	545	7	Official visits.....	490	1123
1896..	545	7a, added	Visitation and inspection of certain institutions.....	497	1157
1896..	545	9	Annual reports.....	490	1124
1896..	545	10	State hospital districts.....	490	1124
1896..	545	11	Change of hospital districts.....	490	1125
1896..	545	15	Duty of commission.....	490	1125
1896..	545	16	Director of pathological institute.....	490	1126
1896..	545	17	Hospital attorneys.....	490	1126
1896..	545	30	Names and location of hospitals.....	490	1127
1896..	545	31	Managers, terms of office.....	490	1127
1896..	545	32	Appointment and removal of managers.....	490	1128
1896..	545	38	General duties of managers.....	490	1129
1896..	545	34	Offices, etc.....	490	1131
1896..	545	35	Superintendent, general powers and duties..	490	1132
1896..	545	86	Special provisions as to certain hospitals...	490	1135
1896..	545	86a, added	Purchasing steward, etc.....	490	1136
1896..	545	87	Meetings of superintendents.....	490	1137
1896..	545	89	Quarterly estimates of expenses.....	490	1137
1896..	545	40	Powers and duties of superintendent as treasurer.....	490	1139
1896..	545	41	Monthly statement.....	490	1140
1896..	545	42	Actions by hospitals.....	490	1141
1896..	545	43	General powers and duties of steward.....	490	1142
1896..	545	44	Purchases and contracts.....	490	1142
1896..	545	46	Actions against, etc.....	490	1143
1896..	545	51	Manhattan ferry boats, etc.....	490	1143
1896..	545	52	Acquisition of property.....	490	1144
1896..	545	58	Improvements.....	490	1145
1896..	545	74	Discharge of patients.....	490	1146

GENERAL LAWS AMENDED—(Continued).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
<i>State charities law—</i>					
1896..	546	16a, added	Transfers, etc.....	452	988
1896..	546	48	Purchases.....	457	998
1896..	546	49	Repairs, etc.....	457	998
1896..	546	106	Craig colony, agent and treasurer, duties....	459	1008
1896..	546	107, sub. 11	Autopsies at Craig colony.....	458	1002
1896..	546	108	Duties of agent as treasurer.....	459	1004
1896..	546	115	Reimbursement for maintenance expenses..	459	1005
1896..	546	121	Managers of house of refuge in New York city.	613	1507
<i>State dam—</i>					
1896..	795	1	State dam on Beaver and Moose rivers.....	382	895
<i>Real property law—</i>					
1896..	547	240	Postponement or subordination of liens on real property.....	449	986
1896..	547	255	Conveyances.....	450	987
1896..	547	260, sub. 4	Certain acts of secretaries of state legalized.	329	605
<i>Tax law—</i>					
1896..	908	4, sub. 19, added	Exemption pharmaceutical societies.....	446	983
1896..	908	20	Time of making assessment.....	61	73
1896..	908	50	Equalization by supervisors.....	447	983
1896..	908	151	List of property to be sold at tax sale.....	445	981
1896..	908	152a, added	Redemption, etc.....	447	983
1896..	908	159, added	Expense of publishing notices to redeem from tax sales.....	278	529
1896..	908	187	Franchise taxes on insurance corporations...	94	181
1896..	908	189, sub. 5	Reports.....	94	183
1896..	908	art. 10, §§ 220-243, inclusive	Taxable transfers.....	368	827
1896..	908	254	Costs and disbursements in certiorari proceedings.....	281	596
1896..	908	259a, added	Dismissal of suits, etc.....	348	624
1896..	908	art. 14, §§ 290-314, added	Taxation of mortgages.....	729	2059
1896..	908	art. 15, §§ 315-324, added	Tax on transfers of stock.....	241	474
<i>Election law—</i>					
1896..	909	5	Notices of election.....	643	1577
1896..	909	6	Notice of submission of propositions.....	643	1578
1896..	909	8	Election districts.....	643	1579
1896..	909	8	Election districts.....	675	1714
1896..	909	9	Maps, etc.....	643	1581
1896..	909	10	Designation of voting places.....	643	1582
1896..	909	19	Delivery of laws to clerks, etc.....	643	1584
1896..	909	30	Meetings for registration.....	675	1717
1896..	909	31	Adding and erasing names on register.....	675	1718
1896..	909	32, sub. 1	Columns in register.....	675	1720
1896..	909	32, sub. 3	Delivery of registry lists.....	643	1585
1896..	909	34, sub. 8	Production of naturalization papers.....	675	1721
1896..	909	35, sub. 2	Entry and filing of registry lists.....	643	1587

TABLE OF LAWS AMENDED OR REPEALED.

7

GENERAL LAWS AMENDED—(Continued).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
<i>Election law—(Continued).</i>					
1896..	909	36, sub. 1	Delivery of blank books.....	648	1589
1896..	909	58	Places of filing certificates of nomination....	648	1590
1896..	909	59	Times for filing certificates of nomination...	643	1592
1896..	909	60	Certificates of nomination by secretary of state.....	643	1592
1896..	909	61	Publication of nominations.....	643	1593
1896..	909	62	Lists for town clerks and aldermen.....	643	1594
1896..	909	63	Posting town and village nominations.....	643	1595
1896..	909	64	Declination of nomination.....	643	1595
1896..	909	66, sub. 1	Vacancies in nominations.....	49	58
1896..	909	66, sub. 1	Filling vacancies in nominations.....	643	1596
1896..	909	86	Officers providing ballots and stationery....	643	1598
1896..	909	87	Distribution of ballots and stationery.....	643	1599
1896..	909	113, sub. 1	Length of time certain papers must be kept on file by county clerk.....	165	357
1896..	909	113, sub. 1	Delivery and filing of election papers.....	643	1601
1896..	909	113, sub. 4, added	Erie county, election papers, etc.....	643	1601
1896..	909	180	Organization of county board of canvassers.....	643	1602
1896..	909	186	Decision of county board as to person elected.....	643	1603
1896..	909	137	Transmission of statements to secretary of state.....	643	1604
<i>Jury law—</i>					
1897..	194	3, 4, 5, 6, 7, 8, 9, 10	Powers and duties of commissioner.....	392	918
1897..	346	3, 5, 7	Salaries, etc.....	386	908
<i>State finance law—</i>					
1897..	413	4, sub. 6	Comptroller's annual report.....	504	1162
1897..	413	80	Education fund.....	587	1816
<i>Village law—</i>					
1897..	414	25	Payment of expenses of incorporation.....	404	989
1897..	414	49	Election of trustees by wards.....	290	552
1897..	414	55	Annual elections.....	290	553
1897..	414	67	Number of members of municipal boards....	66	82
1897..	414	88, sub. 26, added	Disposition of garbage and ashes.....	500	1159
1897..	414	103	Poll tax.....	498	1158
1897..	414	104	Adoption of town assessment roll.....	300	570
1897..	414	161	Crosswalks and sidewalks.....	98	187
1897..	414	202	Number of members of hose companies.....	220	445
<i>Labor law—</i>					
1897..	415	20	Protection of employees on buildings in cities.....	520	1184
1897..	415	71	Employment certificates, etc.....	518	1179
1897..	415	76	Registry of children.....	493	1151
1897..	415	163	Issuance of employment certificates.....	518	1181
1897..	415	167	Employment of children.....	493	1152
1897..	415	174	Employment of children in street trades....	519	1188
1897..	415	177	Badge and permit.....	519	1183
1897..	415	179a	Violation, how punished.....	519	1184

GENERAL LAWS AMENDED—(Continued).

Law of	Chap- ter.	Section.	SUBJECT OF SECTION.	Chap- ter.	Page.
<i>Lien law—</i>					
1897..	418	9, sub. 1	Contents of notice of lien	96	184
1897..	418	71	Liens of apartment hotel keepers	208	427
<i>Navigation law—</i>					
1897..	592	15	Life preservers	74	93
1897..	592	34, added	Fees for inspections and licenses	359	814
<i>Primary election law—</i>					
1898..	179	8, subs. 1, 4, 5, 6, 7	Special enrollments in cities of second class abolished	674	1706
1898..	179	8, sub. 8	Time papers must be kept on file	207	428
<i>Second class city charter—</i>					
1898..	182	2	When act applicable after an enumeration..	501	1160
1898..	182	226	Health districts	232	460
1898..	182	185, 205	Police and firemen's pension funds	444	980
1898..	182	295	Powers of police justice	687	1844
1898..	182	394	Jurisdiction of police court	687	1848
1898..	182	452	Disposition of fees received by city officers..	506	1163
<i>Military code—</i>					
1898..	212	14	Security for costs	810	581
1898..	212	125	Responsibility for public property	617	1511
1898..	212	133	Armories, expense in furnishing	618	1512
1898..	212	138	Armories, janitors and engineers	618	1513
1898..	212	139	Laborers, pay of	618	1514
1898..	212	140	Compensation of employees in armories	618	1515
1898..	212	165	Pay and allowances	419	955
1898..	212	177	Parades on Dewey day	694	1858
<i>Sale of gold ware—</i>					
1898..	331	1, 4, 5, 6	Procedure	288	547
<i>Embalmers' law—</i>					
1898..	555	6a, 7, 9	Licenses	572	1267
<i>Metropolitan elections district—</i>					
1898..	676	1-14	Duties of superintendent of elections	639	1846
<i>Sidepath law—</i>					
1899..	152	18, added	Police	605	1492
<i>Jury law—</i>					
1899..	441	1	Act extended to Oneida county	510	1168
1899..	441	1, 2, 4	Appointment and compensation	102	143
<i>Highways—</i>					
1899..	594	1, 3	Acquisition of toll roads, Onondaga county..	120	180
<i>Game law—</i>					
1900..	20	3	Deer; close season; special in certain coun- ties	815	586

TABLE OF LAWS AMENDED OR REPEALED.

9

GENERAL LAWS AMENDED—(Continued).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
<i>Game law—(Continued).</i>					
1900..	20	12a	Gray and black squirrels; close season; special	816	587
1900..	20	13	Hares and rabbits; close season	422	958
1900..	20	14	Beaver	428	963
1900..	20	15a, added	Protection of land turtles	319	589
1900..	20	16	Penalties	319	590
1900..	20	23	Woodcock; close season	338	613
1900..	20	23a	Woodcock; close season; special	317	587
1900..	20	26	Grouse; close season; special	317	588
1900..	20	27	Grouse and woodcock, sale of	335	611
1900..	20	27a	Grouse, woodcock and quail; certain counties	317	588
1900..	20	29a	Orange county, sale of grouse, quail and woodcock	340	615
1900..	20	29b, added	Orange county, woodcock, grouse and quail	341	615
1900..	20	34	Wild birds, nests of, protected	426	961
1900..	20	39	Penalties	318	589
1900..	20	40	Trout; close season	196	415
1900..	20	41	Trout; close season; special	424	960
1900..	20	41b, added	Allegany county, close season for trout	424	960
1900..	20	43b, added	Trout, sale of	425	961
1900..	20	44	Lake trout; close season	429	964
1900..	20	47	Pike in counties of Madison, Oneida, Onondaga and Oswego	314	585
1900..	20	47a, added	Transportation of fish from Canada	342	616
1900..	20	48	Muskallonge	423	959
1900..	20	59	Fishing through ice in town of North East	313	584
1900..	20	59a	Oswego county, fishing through ice	427	962
1900..	20	63	Nets, Lake Erie	86	40
1900..	20	67	Placing of carp in certain waters	312	588
1900..	20	82	Chautauqua county	421	957
1900..	20	84	Spearing fish, Ulster county	343	617
1900..	20	87, sub. 6	Close season, St. Lawrence river	420	957
1900..	20	112	Jamaica Bay	337	612
1900..	20	118	Nets, use of, Coney Island creek	339	614
1900..	20	139	Penalties	336	612
1900..	20	154	Office and clerical force	285	540
1900..	20	170	Game protectors	285	541
1900..	20	170	Special assistant oyster protector	588	1817
1900..	20	172	Compensation of protectors	588	1817
1900..	20	173	Powers of game protectors	285	541
1900..	20	176a, 176b, 176c, 176d, 176e, added	Special game protectors, Monroe county	660	1677
1900..	20	178	Destruction of nets	657	1669
1900..	20	185	Actions for penalties by people	285	542
1900..	20	187	Proceeds of actions by people	285	542
1900..	20	188	Actions by private persons	285	543
1900..	20	222	Trespass on forest preserve	285	543
1900..	20	224a	Chief fire warden and foresters	285	544
1900..	20	224b	Fire patrol	285	545
1904..	591	5, added	Acquisition of land for fish hatchery	612	1606
<i>Tenement house law—</i>					
1901..	384	30	Fire-escapes	507	1184

GENERAL LAWS AMENDED—(Concluded).

Laws of	Chapter.	Section.	SUBJECT OF SECTION.	Chapter.	Page.
1901..	507	15	<i>State printing law—</i> Inspectors.	760	2137
1902..	206	2	<i>Soldiers—</i> Removal from potter's field	391	910
1902..	597	1	<i>Supreme court—</i> Attendants, etc.....	384	898
1903..	147	3	<i>Erie canal—</i> Locks, etc.....	740	2102
1904..	285	1	<i>Deeds—</i> Acknowledgments taken in other counties validated.	377	890
1904..	673	1 am., 2, 3 and 4, added	<i>Soldiers' monuments commission—</i> Commissioners, plans, etc.....	671	1699
1905..	15	Am.	<i>West Point—</i> West Point, lands for.....	83	108
1905..	83	3, 10	<i>Enumeration law—</i> Election district, boundaries, etc....	144	819

TABLE OF LAWS AMENDED OR REPEALED.

11

II. SECTIONS OF CODE OF CIVIL PROCEDURE AMENDED.

Sections.	SUBJECT OF SECTION.	Chapter.	Page.
58.....	Rights of graduates of law schools.....	195	414
97.....	Attendants in county court and surrogate's court, Erie county.....	98	180
145.....	Jail liberties, Broome county.....	439	972
244, 245, 246, 247, 248, 249, 250	Supreme court reporter.....	164	353
254.....	Stenographers, Kings county.....	616	1510
264.....	Court of claims, jurisdiction.....	370	851
270.....	Duty of attorney-general and superintendent of public works.....	370	851
361.....	Stenographers for county courts.....	188	408
431.....	Complaint, contents of.....	431	965
500.....	Answer, contents of.....	431	966
514.....	Reply, contents of.....	431	966
884.....	When information to be disclosed.....	331	606
1024.....	Referee, qualifications of.....	435	969
1080, sub. 6.	Exemption from jury duty.....	437	971
1081, sub. 4.	Exemption from jury duty in New York and Kings counties.....	437	971
1086.....	Jurors, excusing, etc.....	44	51
1127, sub. 4.	Exemption from jury duty, Kings county.....	437	971
1251.....	Lien of judgments.....	432	966
1391.....	Garnishee of wages, etc.....	175	370
1588.....	Partition actions, who must be parties.....	662	1684
1590.....	Sale of real property of incompetents.....	434	968
1671.....	Filing and cancellation of notice of pendency of action.....	60	71
1774.....	Judgments in matrimonial actions.....	587	1205
2849.....	Petition to dispose of property.....	434	969
2888, sub. 4.	Notices in foreclosure actions.....	433	967
2510.....	Examination of witnesses to wills.....	615	1509
2513.....	Fees and duties of stenographers.....	570	1265
2615.....	Persons to be cited on probate of will.....	438	972
2704.....	Authentication of wills in other states.....	347	622
2780.....	Commissions of executors and administrators.....	328	604
2782, sub. 12	Succession to personal property.....	539	1208
2800, added.	Sale of dower rights.....	430	964
2881.....	Serving summons on telegraph companies.....	211	438
3146.....	Issuing transcripts of judgments by town clerks.....	436	970
3312.....	Fees of constables and deputy sheriffs in Ontario county.....	304	573

III. SECTIONS OF CODE OF CRIMINAL PROCEDURE AMENDED.

Sections.	SUBJECT OF SECTION.	Chapter.	Page.
11a.....	Probation officers, appointment, compensation and duties.....	656	1666
56, sub. 16.	Jurisdiction of courts of special sessions.....	279	531
56, sub. 27.	Jurisdiction of courts of special sessions.....	656	1667
221.....	Magistrate's return to district attorney.....	267	518
264.....	Persons who may be present at session of grand jury.....	286	546
488.....	Suspension of sentence, etc.....	656	1667
554, sub. 4..	Admission to bail of children under sixteen years of age.....	656	1668
840.....	Support of bastards.....	327	803

IV. SECTIONS OF PENAL CODE AMENDED.

Sections.	SUBJECT OF SECTION.	Chapter.	Page.
13.....	Suspension of sentence.....	655	1664
41, sub. 2..	Voting at primaries, etc.....	625	1523
41, sub. 6..	Corruption at primary.....	625	1523
41a.....	False registration.....	625	1523
41aa.....	Misconduct of registry officers.....	625	1524
41b.....	Mutilation, destruction or loss of registry list.....	625	1524
41d.....	Failure of householder to answer inquiries.....	625	1524
41g.....	Misconduct as to certificates of nomination and official ballots.....	625	1525
41i.....	Misconduct of election watchers and officers.....	625	1525
41k, sub. 4.	Electioneering on election at voting place.....	625	1525
41l.....	Illegal voting.....	625	1526
41o.....	Buying votes.....	625	1526
41p.....	Receiving money for vote.....	625	1528
41t.....	Conspiracy to promote or prevent election.....	625	1529
41zz.....	Punishment for first offense.....	625	1529
76.....	Misconduct of officers, at drawing jurors.....	693	1858
287a, added.	Abandonment of children.....	168	360
289, sub. 3, added	Duty of parents.....	655	1665
291, sub. 3, added	Commitment of children to custody of probation officer..	655	1665
322.....	Disorderly houses.....	270	521
364j, added.	Sale of gold articles, etc.....	287	547
384r, added.	Corrupt influencing of agents, employees or servants....	136	225
397.....	Violations of health laws.....	443	979
401.....	Labeling drugs, etc.....	442	977
402.....	Selling poison without labeling or recording.....	442	977
403, 404, added	Public health and safety.....	442	979
405a.....	Renumbered 405.....	442	979
409.....	Making dangerous weapons.....	92	129
410.....	Carrying dangerous weapons.....	92	129
429.....	Ice bridges and ice cutting.....	326	602
517.....	Forging state stamps.....	242	478
544.....	Purchase of property by false pretense.....	556	1233
567a, added.	Frauds in secret societies.....	366	825
600.....	Bank officers and clerks.....	248	483
639a, added.	False alarms of fire, etc.....	279	580
640, sub. 16.	Flags, desecration of, prohibited.....	80	104
640, sub. 16.	Flags, improper use of.....	440	973
642.....	Publishing trade lists.....	441	975
674a.....	Elks, etc.....	590	1324
699.....	Imprisonment of children.....	655	1666
1898, ch. 331, §§ 1, 4, 5 and 6....	Sale of gold ware; procedure.....	288	547

LEGALIZING ACTS OF 1905, CONFIRMING THE ACTS OF VARIOUS PUBLIC OFFICERS IN RELATION TO ELECTIONS, BONDS, TAXES, NOTARIES PUBLIC, COMMISSIONERS OF DEEDS, SCHOOL MEETINGS, ETC.

		Chapter.	Page.
Goshen	Water bonds.....	1	1
Alfred	Water bonds.....	4	4
Ilion	Electric light bonds.....	5	6
Granville.....	School bonds.....	12	15
Granger, town of.....	Bonds, etc.....	29	31
Herkimer, town of.....	School bonds.....	30	32
Fonda	Village bonds.....	38	42
Orange county.....	County bonds.....	39	43
Painted Post.....	Village bonds.....	45	52
Oswegatchie, town of.....	Bonds for town hall.....	50	60
Tuckahoe	Village bonds.....	56	68
Clinton.....	Bonds for light system.....	57	69
Montour Falls.....	Village election, etc.....	59	70
Seneca	Indian Council Rock.....	69	85
Mohawk.....	Village bonds.....	72	90
Ramapo, town of.....	School district.....	76	98
Cornwall.....	School bonds.....	77	100
New York college of dental surgery.....		78	103
Salem.....	School bonds.....	84	117
Moreau.....	Town bonds.....	99	139
Yates county.....	Taxes legalized.....	106	143
Little Valley.....	Electric light bonds.....	169	361
Newark.....	Election and water bonds.....	179	376
Syracuse.....	Assessments for local improvements....	186	400
Schroon.....	Town bonds for bridge over Schroon River.....	189	405
Palmyra	Meetings and school bonds.....	208	430
Amsterdam	School bonds.....	212	434
Attica	Official acts of assessors.....	218	435
Hoosick Falls.....	Village election.....	219	444
Lawrence, town of.....	Town meeting.....	221	446
Rensselaer county.....	Taxes validated.....	257	496
Villages.....	Reincorporation validated.....	259	501
Kings county penitentiary	Contracts with legalized.....	407	943
Niagara Falls.....	Sewer bonds legalized.....	463	1033
Leon C. Rhodes.....	Notary public.....	549	1229
Israel Levine.....	Notary public.....	550	1230
Zenas B. Smith.....	Special deputy clerk, Herkimer county.....	551	1230
Edwin G. Van Housen.....	Special deputy clerk, Herkimer county.....	551	1230
Fred D. Smith.....	Special deputy clerk, Herkimer county.....	551	1230
Rinaldo R. Wood.....	Special deputy clerk, Herkimer county.....	551	1230
George Hitchcock.....	Justice of peace, Corning.....	554	1232
William H. Good.....	Commissioner of deeds.....	555	1233
Little Falls.....	Election for paving bonds.....	591	1325
B. F. Cahill.....	Acts as notary legalized.....	609	1503
Syracuse.....	Assessments for local improvements....	638	1844
Ada R. Mollison.....	Commissioner of deeds, acts legalized ..	696	1861

V. GENERAL LAWS REPEALED.

Laws of	Chapter.	Section.	SUBJECT OF ACT.	Chapter.	Page.
1894..	317	51	<i>Public lands law—</i> Sale of abandoned canal lands, preferences of owners.....	451	988
1896..	112	11, sub. 3a	<i>Liquor tax law—</i> Sale by pints, by druggists.....	678	1729
1897..	418	115	<i>Lien law—</i> Filing of contracts of conditional sales.....	508	1162
1897..	592	Art. 4, §§ 60-65	<i>Navigation law—</i> Port of Albany.....	505	1163
1900..	20	88	<i>Game law—</i> Chautauqua county.....	421	958
1900..	20	14, as am. by ch. 580, L. 1904	Beaver	428	963

VI. SECTIONS OF PENAL CODE REPEALED.

Sections.	SUBJECT OF SECTION.	Chapter.	Page.
403, 404, 405	Public health, protection of.....	442	977

TABLE

OF

LOCAL AND SPECIAL LAWS AMENDED OR REPEALED BY THE LAWS OF 1905.

I. LOCAL LAWS AMENDED.

Subject.	Laws of	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
Albany county.....	1884	218	Salary of under-sheriff, § 1.....	41	47
Albany Bridge Com- pany.....	1856	148	Charter, § 8.....	381	894
Albany City Homeo- pathic Hospital ..	1875	485	Charter, § 4.....	308	580
Albion.....	1879	142	Charter, tit. 2, § 2; tit. 4, § 6, sub. 28, subs. 42-44, added.....	205	424
Amsterdam.....	1881	101	Water act, § 21.....	25	28
Amsterdam.....	1885	181	Charter, §§ 88i, 88j and 88o.....	65	78
Auburn.....	1879	58	Charter, §§ 5, 12, 14, 16, 17, 18, 23, 27, 30, 33, 35, 36, 38, 42, 43, 52, 54, 57, 58, 62, 69, 70, 71, 73, 74, 78, 79, 81, 82, 88, 85, 86, 87, 88, 89, 91, 92, 93, 94, 96, 97, 98, 100, 102, 103, 104, 105, 108, 116, 117, 120, 121, 122, 123, 124, 126, 128, 139, 148.....	356	647
Auburn.....	1879	58	Charter, §§ 4, 29, 89, 109, 110, 112, 113, 114, 115, 129, 130, 131, 132, 133, 134, 135, 140.....	460	1006
Auburn.....	1903	430	Street paving, §§ 1-11, inclusive.....	352	636
Auburn.....	1904	463	Streets, §§ 1-7, inclusive.....	110	153
Batavia.....	1884	195	Charter, tit. 4, § 3, sub. 43; tit. 4, §§ 18, 14, 15, added; tit. 6, §§ 6-16, inclusive, added; tit. 8, § 2.....	116	163
Bath.....	1895	785	Charter, tit. 9, § 5.....	121	132
Binghamton.....	1888	214	Charter, tit. 6, §§ 4, 5, 6, 7, 8, 10, 11.	479	1087
Binghamton.....	1888	214	Charter, tit. 10, § 7.....	295	558
Brooklyn.....	1893	535	Money for Memorial day.....	190	406
Buffalo.....	1891	105	Charter, tit. 1, § 3, ward boundaries	644	1606
Buffalo.....	1891	105	Charter, §§ 133, 140.....	90	126
Buffalo.....	1891	105	Charter, § 211, sub. 3.....	181	378
Buffalo.....	1891	105	Charter, § 330.....	109	152
Buffalo.....	1891	105	Charter, § 374.....	51	61
Buffalo.....	1891	105	Charter, tit. 12, § a.....	192	411
Buffalo railway.....	1900	45	Extension of time, § 1.....	2	3
Canandaigua.....	1893	666	Charter, tit. 4, § 2; tit. 7, § 1, sub. 9..	6	7
Canandaigua.....	1893	666	Charter, tit. 2, §§ 1, 2, 9; tit. 3, §§ 2, 3, sub. 35; tit. 4, §§ 2, 3, 6; tit. 8, § 1; tit. 9, §§ 4, 5, 6, 10, 11, 12, 14; tit. 18, added, §§ 1-15; tit. 13 renun- bered 14.....	371	852

I. LOCAL LAWS AMENDED—(Continued).

Subject.	Laws of	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
Canandaigua.....	1898	666	Charter, subs. 80, 81, 83, 84, 85, 86, 88, 89, 40, 41, 42, 44, 45, 46, 47, 48 of § 3, tit. 3, are hereby renumbered subs. 29, 30, 81, 82, 83, 34, 86, 87, 88, 89, 40, 41, 42, 43, 44, 45.....	371	876
Caledonia, town of.	1904	79	Money for village police, § 1.....	409	945
Cohoes.....	1892	671	Charter, tit. 1, § 1; tit. 12, § 4, added	54	65
Cohoes.....	1892	671	Charter, tit. 5, § 87, salary of city clerk.....	47	55
Cohoes.....	1892	671	Charter, tit. 5, § 49.....	367	826
Cohoes.....	1892	671	Charter, tit. 11, §§ 1-81, inclusive.....	575	1274
College Point.....	1868	667	Conrad Poppenhusen institution, §§ 4, 16.....	323	597
Cornell University.	1865	585	Charter, § 2.....	97	185
Colonie, town of....	1895	975	Boundaries, § 1.....	55	67
Cooperstown.....	1889	511	Charter, tit. 4, §§ 25, 26.....	141	280
Corning.....	.....	.....	Charter revised.....	142	282
Conrad Poppenhusen Institution	1868	667	Charter, §§ 4, 16.....	323	597
Cortland.....	1900	160	Charter, § 240.....	481	1096
Cortland.....	1900	160	Charter, §§ 86, 66, 76.....	262	505
Delaware county, Hancock town bonds.....	1904	141	Bonds, § 1.....	9	11
De Veaux college...	1858	248	Charter, § 1.....	888	897
Elmira.....	1894	615	Charter, §§ 42, 52.....	576	1293
Elmira.....	1894	615	Charter, § 188.....	184	891
Elmira.....	1894	615	Charter, §§ 208, 209.....	289	471
Elmira.....	1894	615	Charter, § 280.....	288	470
Elmira Law Library	1895	231	Salary of librarian, § 8.....	119	179
Erie county.....	1895	178	County auditor, § 2.....	225	449
Erie county.....	1902	577	Office of medical examiner, §§ 2, 6, 7, 8, 9, 15.....	151	384
Erie county.....	1904	394	Commissioner of election, duties, §§ 7, 8, 9, 10, 12.....	220	455
Fredonia.....	1894	480	Charter, Art. 2, §§ 2, 3.....	21	24
Geneva.....	1897	860	Charter, §§ 43, 44, 58, subs. 10, 61, 62, 65a, added. 70, 102, 117, 124, 125, 126.....	461	1023
Geneva.....	1897	860	Charter, § 65.....	462	1023
Gloversville.....	1899	275	Charter, § 88.....	472	1065
Green Island, town of.....	1896	811	Funds, § 9, added.....	23	24
Herkimer county...	1890	332	Licenses of amusements, §§ 1-5.....	249	484
Herkimer county...	1891	47	County clerk's office, § 8.....	412	949
Herkimer county...	1903	266	Town meetings, §§ 1, 3, 4 and 6.....	260	502
Hudson.....	1895	751	Charter, tit. 2, § 5; tit. 5, § 19a, added; tit. 7, § 23; tit. 10, § 40; tit. 12, § 48; tit. 18, § 65; tit. 20, § 79; tit. 21, § 95; tit. 25, §§ 157, 161, sub. 3, 173; tit. 27, § 185; tit. 28, § 192; tit. 31, §§ 196, 196a, 196b, 196c, 196d, 196e, 196f, 196g, 196h, 196i; tit. 32, §§ 199a, 199b, 199c.....	559	1286
Hudson River Bridge Company.	1890	397	Charter, § 11, extension.....	858	645

TABLE OF LAWS AMENDED OR REPEALED.

17

I. LOCAL LAWS AMENDED—(Continued).

Subject.	Laws of	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
Jamestown	1886	84	Charter, tit. 4, § 8	478	1668
Jamestown	1903	17	Water act, § 12a, added.....	58	70
James M. Brown Memorial Hall Association.....	1888	117	Charter, §§ 1, 2	379	699
Johnstown	1895	568	Charter, § 86.....	474	1070
Johnstown			Charter revised.....	598	1328
Kenmore village....	1904	80	Shade trees, §§ 1, 2 and 4.....	16	19
Kinderhook	1888	244	Charter, boundaries, § 1.....	64	76
Livingston county..	1903	260	Sheriff's office, § 11.....	177	874
Livingston county..	1903	200	County clerk's office, § 8.....	52	68
Little Falls.....	1895	565	Charter, § 58.....	464	1694
Lockport	1886	120	Charter, §§ 57, 79.....	368	810
Lockport	1886	120	Charter, §§ 78, 95, 101, 104, 105, 107, 108, 109, 180, 198, 231.....	182	351
Lockport	1886	120	Charter, § 127.....	265	636
Long Island railroad	1871	517	Motive power, § 2.....	174	269
Lyons	1854	338	Charter, § 85a, added.....	280	530
Mechanicville.....	1891	106	Charter, tit. 2, § 17; tit. 3, § 3.....	84	37
Mechanicville.....	1891	106	Charter, tit. 5, § 8, sub. 31.....	101	149
Mechanicville.....	1891	106	Charter, tit. 2, § 6.....	274	535
Mechanicville.....	1891	106	Charter, tit. 5, § 3, sub. 14.....	400	829
Medina.....	1874	39	Charter, tit. 3, § 9, sub. 51, added....	194	413
Monroe county.....	1899	381	Salary of court attendants, § 1.....	620	1518
Mount Morris.....	1889	518	Charter, §§ 22, 33.....	214	436
Mount Vernon.....	1892	182	Charter, § 123, salary of commissioner of public works	255	498
Mount Vernon.....	1892	182	Charter, §§ 155, 195, 197, 201.....	874	890
Mount Vernon.....	1903	402	Charter, 165, sub. 59.....	478	1669
Nassau county.....	1894	686	Charter, § 206a, police.....	85	179
Nassau county.....			§ 1, roads.....	878	691
Nassau county.....			Compensation of town officers.....	128	199
Newburgh, town of	1858	44	Support of poor, § 2.....	467	1083
Niagara county.....	1894	109	Salary of county judge, § 2; § 4 added.....	410	945
Niagara county.....	1904	744	Tax sales, § 7.....	152	337
Niagara Falls.....	1904	300	Charter, § 267.....	614	1506
Niagara Falls.....	1904	300	Charter, §§ 217, 533.....	468	1696
New Rochelle.....	1899	128	Charter, art. 2, § 17.....	264	511
New Rochelle.....	1899	128	Charter, § 38.....	287	408
New Rochelle.....	1899	128	Charter, § 84.....	469	1659
New Rochelle.....	1899	128	Charter, § 65, added.....	477	1692
New Rochelle.....	1899	128	Charter, §§ 44, 220, 224, § 221a, added, § 250a, added	470	1661
Newtown Fire Department.....	1889	208	Charter, §§ 7, 10	268	519
New York State Convention of Universalists.....	1862	188	Holding property, § 8.....	48	56
New York college of dental surgery...	1853	261	Charter, §§ 1, 2, 3, 4, 5, 6, 7.....	78	101
New York building company.....	1881	598	Charter, § 6.....	739	2101
New York city consolidation act	1883	410	Selection of grand jurors, §§ 1648, 1649	203	431

I. LOCAL LAWS AMENDED—(Continued).

Subject.	Laws of	Chap- ter.	SECTIONS AMENDED.	Chap- ter.	Page.
New York city, Gen- eral memorial hos- pital for treatment of cancer, etc.	1884	429	Charter, § 5	124	176
New York city	1884	581	Registers' offices, § 4	530	1196
New York city rapid transit	1891	4	Plans, etc., § 5	631	1550
New York city rapid transit	1891	4	Plans for construction, what to con- tain, §§ 84, 85	599	1473
New York city	1898	587	Street grades, § 2	747	2116
New York city	1896	620	Park department, § 1	494	1154
New York city	1897	878	Charter, § 10	373	878
New York city	1897	878	Charter, 17	629	1533
New York city	1897	878	Charter, 28	629	1533
New York city	1897	878	Charter, 41	629	1533
New York city	1897	878	Charter, 48	629	1533
New York city	1897	878	Charter, 44	629	1536
New York city	1897	878	Charter, 45	629	1537
New York city	1897	878	Charter, 47	629	1536
New York city	1897	878	Charter, 48	629	1536
New York city	1897	878	Charter, 50	629	1540
New York city	1897	878	Charter, 72	629	1543
New York city	1897	878	Charter, 78	629	1543
New York city	1897	878	Charter, 74	629	1543
New York city	1897	878	Charter, 74	630	1548
New York city	1897	878	Charter, 75	629	1545
New York city	1897	878	Charter, 94	633	1544
New York city	1897	878	Charter, 97	633	1554
New York city	1897	878	Charter, 117	557	1234
New York city	1897	878	Charter, 165	517	1173
New York city	1897	878	Charter, tit. 1a, §§ 165, 166, 167, 168, added	588	1510
New York city	1897	878	Charter, 169	639	1571
New York city	1897	878	Charter, §§ 173, 174	70	87
New York city	1897	878	Charter, 188, bonds	24	26
New York city	1897	878	Charter, 242	629	1545
New York city	1897	878	Charter, 245	552	1231
New York city	1897	415	Charter, 256	525	1119
New York city	1897	878	Charter, 299	637	1561
New York city	1897	878	Charter, 301	180	377
New York city	1897	878	Charter, 815	621	1519
New York city	1897	878	Charter, 854	516	1176
New York city	1897	878	Charter, 882	633	1553
New York city	1897	878	Charter, 406	648	1642
New York city	1897	878	Charter, 522	735	2000
New York city	1897	878	Charter, 532	726	2054
New York city	1897	878	Charter, 664	187	461
New York city	1897	878	Charter, 698	305	574
New York city	1897	878	Charter, 707	638	1563
New York city	1897	878	Charter, 707a, added	610	1504
New York city	1897	878	Charter, 708	638	1567
New York city	1897	878	Charter, 709	638	1566
New York city	1897	878	Charter, 710	638	1566
New York city	1897	878	Charter, 826	533	1201
New York city	1897	878	Charter, 888	330	605

TABLE OF LAWS AMENDED OR REPEALED.

19

I. LOCAL LAWS AMENDED—(Continued).

Subject.	Laws of	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
New York city....	1897	378	Charter, § 979.	581	1807
New York city....	1897	378	Charter, § 980.	299	568
New York city....	1897	378	Charter, 1092.	661	1678
New York city....	1897	378	Charter, 1092a, added.	107	150
New York city....	1897	378	Charter, 1162, added.	528	1194
New York city....	1897	378	Charter, § 1237, 1238, 1239, 1240, 1266	532	1198
New York city....	1897	378	Charter, 1852, sub. 4.	758	2129
New York city....	1897	378	Charter, 1855.	622	1520
New York city....	1897	378	Charter, 1860.	730	2038
New York city....	1897	378	Charter, 1861.	758	2180
New York city....	1897	378	Charter, 1884.	125	186
New York city....	1897	378	Charter, 1486b.	632	1553
New York city....	1897	378	Charter, 1439.	512	1170
New York city....	1897	378	Charter, 1440.	384	609
New York city....	1897	378	Charter, 1553.	515	1175
New York city....	1897	378	Charter, 1554a, added.	531	1197
New York city....	1901	580	Free libraries, §§ 2, 4.	296	562
New York city municipal court..	1902	580	Jurisdiction, § 1.	513	1172
New York city, mu- nicipal court....	1902	580	Summons, who may issue, § 29.	78	92
New York city, mu- nicipal court....	1902	580	Disposition of money collected by marshals, § 307.	228	454
New York city....	1903	336	Courthouse, §§ 2, 8, 6, 8, 9, 13, 14.	112	157
New York city....	1903	423	Grade crossings, § 6.	684	1556
New York city....	1903	507	Grade crossings, §§ 5, 9.	635	1557
New York city....	1903	507	Grade crossings, § 1.	589	1319
New York city....	1904	108	Museum of art, § 2.	27	30
New York city....	1904	513	Twelfth avenue damages, § 1.	202	420
New York training school for boys ...	1904	718	Report and exchange of lands, §§ 4, 7	188	208
Ogdensburg....	1898	87	Charter, §§ 29, 59, sub. 1; sub. 6, added; § 112, sub. 2.	579	1299
Olean	1898	478	Charter, §§ 6, 7 and 24; tit. 3, §§ 26a, 37a, added; §§ 42, 82, sub. 4.	226	450
Oneida county	1901	89	Courthouse, §§ 12, 16.	132	206
Oneida.	1901	225	Charter, § 59, sub. 25.	488	1098
Onondaga county ..	1887	858	Taxes, § 1.	253	490
Oneonta.	1885	30	Charter, § 35.	406	941
Orleans county....	1890	223	Raising money for Grand Army Posts, § 3, added.	492	1150
Oswego	1895	394	Charter, 57b, added.	68	84
Oswego	1895	394	Charter, § 185a, added.	465	1086
Oswegatchie	1882	28	Overseer of poor, § 2.	170	862
Patchogue	1897	180	Insurance moneys, § 1.	448	985
Peekskill.	1888	117	Charter, tit. 7, § 2, sub. 3, added.	511	1169
Peekskill.	1888	117	Charter, tit. 5, § 36.	398	928
Plattsburgh.	1902	269	Charter, § 11.	484	1101
Plattsburgh.	1902	269	Charter, § 45, sub. 25, § 174.	362	817
Poughkeepsie	1896	425	Charter, §§ 3, 9, 14, 16, 81, 87, 88, 45, 46, 48, 50, 64, 65, 69, 82, 100, 108, subs. 12, 14; § 112 added, 199, 201 added.	652	1650
Poughkeepsie	1902	85	City court, §§ 2, 4, 5.	322	595
Port Chester	1868	818	Charter, tit. 4, § 1; tit. 5, §§ 4, 65; tit. 6, § 2.	606	1493

I. LOCAL LAWS AMENDED—(Continued).

Subject.	Laws of	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
Queens county.....	1894	686	Roads, § 1.....	878	891
Rensselaer county..	1867	236	Taxes, §§ 13, 14; §§ 15, 16, 17, 18, 19 added.....	257	496
Rensselaer	1897	359	Charter, §§ 88, 89a.....	580	1365
Rochester	1880	14	Charter, § 2, boundaries, § 4.....	134	210
Rochester	1880	14	Charter, §§ 48, 44.....	191	407
Rochester	1880	14	Charter, §§ 81, 82, 83, 84, 85, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 161, 199, 206, 209, 215, 218, 245, sub. 15, added.....	686	1330
Rochester	1880	14	Charter, § 171.....	223	437
Rochester	1880	14	Charter, § 265.....	543	1233
Rochester	1887	614	Police pension fund, §§ 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.....	540	1286
Rochester	1890	347	Genesee trunk sewer, §§ 14, 15.....	117	177
Rochester	1894	524	Firemen's pension fund, §§ 1, 3, 4, 5.....	541	1215
Rochester	1901	581	Public market, §§ 7, 13, 14, 15.....	233	451
Roosevelt hospital..	1864	4	Charter, § 1a, added, § 3.....	375	688
Rome	1904	650	Charter, §§ 40, 46, 47, 54, 79, 81; § 81 renumbered 81a; §§ 87, 109, 126, 130, 147, 148, 157, 175, 176, 179, 188, 193, 206, 210, 213, 233.....	468	1040
Rome	1904	650	Charter, § 110.....	14	17
Saranac Lake.....	1904	308	Water and sewer bonds, § 1.....	158	347
Saratoga Springs...	1866	220	Charter, §§ 26, 27, 28, 29, 54, sub. 3.....	129	190
Saratoga Springs...	1872	323	Receiver of taxes, §§ 3, 7.....	395	923
Saratoga Springs...	1902	506	Sewer, water and street commissioners, § 12.....	283	536
Saratoga Springs...	1902	506	Streets, § 40.....	405	940
Schenectady	1903	371	Charter, tit. 1, § 3, ward boundaries.....	578	1286
Schenectady Young Men's Christian Association	1871	865	Charter, §§ 3, 4, 6, 7.....	150	331
Schoharie and Schenectady counties, Farmers' Mutual Fire Insurance Association	1868	155	Charter, §§ 2, 3, 4, 5, 6, 9, 10, 15.....	75	94
Suffolk County Mutual Insurance Company.....	1886	224	Charter extended.....	62	74
Syracuse	1885	26	Charter, § 4, ward boundaries.....	185	303
Syracuse	1885	26	Charter, § 250.....	682	1747
Tonawanda .....	.....	.....	Charter revised.....	257	704
Union Theological Seminary .....	.....	.....	Charter amended.....	71	90
Utica	1904	452	Drainage, §§ 1, 2, 4, 5.....	480	1004
Waterford, town of.	1886	328	Fire district boundaries, § 1.....	63	75
Watertown.....	1897	740	Charter, §§ 55, 57, 58, 65, 68, 72, 79; §§ 158a, 158b, 158c, added; § 176, sub. 4.....	485	1103
Watertown.....	1897	760	Charter, § 92.....	486	1111
Watervliet.....	1896	905	Charter, tit. 2, § 8; tit. 4, § 1; tit. 5, § 18.....	131	266
Westchester county	1894	687	Sheriff's office, § 1.....	88	126

TABLE OF LAWS AMENDED OR REPEALED.

21

I. LOCAL LAWS AMENDED—(Concluded).

Subject.	Law of	Chap- ter.	SECTIONS AMENDED.	Chap- ter.	Page.
Westchester county	1902	342	Loans, § 7 added and § 7 renumbered § 8.....	42	49
Yonkers.....	1895	635	Charter, tit. 4, § 3, sub 3.....	218	443
Yonkers.....	1895	635	Charter, tit. 6, § 11.....	539	1297
Yonkers.....	1898	386	Bridges, § 1.....	487	1113

II. LOCAL LAWS REPEALED.

Subject.	Law of	Chap- ter.	SECTIONS REPEALED.	Chap- ter.	Page.
Auburn.....	1879	58	Charter, § 51.....	400	1006
Auburn.....	1879	58	Charter, §§ 106, 107, 118, 119.....	856	647
Canandaigua.....	1893	666	Charter, tit. 3, § 3, subs. 29, 32 re- pealed.....	871	975
Corning.....	1890	58	All. Charter and all acts amend- atory thereof or supplemental thereto.....	142	373
James M. Brown, Memorial Hall Association.....	1888	117	Charter, §§ 3, 4, 5, 6, 7.....	879	893
Johnstown.....	1895	563	All. Charter.....	592	1487
Mohawk, town of.....	1894	20	All. Administration of justice.....	299	567
Mount Morris.....	1889	518	Section 84.....	214	488
Poughkeepsie.....	1896	425	Charter, §§ 10, 39, 40, 57, 79.....	652	1850
Rochester.....	1890	14	Charter, §§ 104, 105, 106, 107, 108.....	686	1843
Rochester.....	1890	14	Charter, §§ 258, 260.....	191	470
Saratoga Springs.....	1905	289	Amends L. 1903, ch. 508.....	399	929
Suffolk county.....	1863	441	Union Free School District in town of Southampton.....	155	344
Syracuse.....	1847	475	All. Charter.....	685	1818
Syracuse.....	1843	238	All. School act.....	685	1818
Syracuse.....	1848	351	All. Amends charter 1847, ch. 475.....	685	1818
Syracuse.....	1849	284	All. Amends charter 1847, ch. 475.....	685	1818
Syracuse.....	1850	146	All. Amends charter 1847, ch. 475.....	685	1818
Syracuse.....	1851	409	All. Amends charter 1847, ch. 475.....	685	1818
Syracuse.....	1852	25	All. Amends charter 1847, ch. 475.....	685	1818
Syracuse.....	1852	146	All. Poor house act.....	685	1818
Syracuse.....	1852	233	All. Amends charter 1847, ch. 475.....	685	1818
Syracuse.....	1853	152	All. Amends charter 1847, ch. 475.....	685	1818
Syracuse.....	1854	28	All. Charter.....	685	1818
Syracuse.....	1854	96	All. Drainage act.....	685	1818
Syracuse.....	1854	305	All. Amends charter 1854, ch. 28.....	685	1818
Syracuse.....	1855	27	All. Amends charter 1854, ch. 28.....	685	1818
Syracuse.....	1855	508	All. Straightening Onondaga creek.....	685	1818
Syracuse.....	1857	63	All. Charter.....	685	1818
Syracuse.....	1857	568	All. Salary of police justice.....	685	1818
Syracuse.....	1858	341	All. Amends charter 1857, ch. 63.....	685	1818
Syracuse.....	1859	329	All. Fire department.....	685	1818
Syracuse.....	1860	13	All. Amends charter 1857, ch. 63.....	685	1818
Syracuse.....	1862	475	All. Boundary.....	685	1818
Syracuse.....	1865	138	All. Amends charter 1857, ch. 63.....	685	1818
Syracuse.....	1866	287	All. Amends charter 1857, ch. 63.....	685	1818

II. LOCAL LAWS REPEALED—(Continued).

Subject.	Laws of	Chapter.	SECTIONS REPEALED.	Chapter.	Page.
Syracuse.....	1866	688	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1867	770	All. Drainage act.....	685	1819
Syracuse.....	1868	11	All. Police justice.....	685	1819
Syracuse.....	1868	62	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1868	500	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1868	780	All. Sewer act.....	685	1819
Syracuse.....	1869	17	All. Police act.....	685	1819
Syracuse.....	1869	360	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1870	289	All. Police justice.....	685	1819
Syracuse.....	1870	545	All. Fire alarm system.....	685	1819
Syracuse.....	1871	234	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1871	347	All. Public parks.....	685	1819
Syracuse.....	1876	8	All. Amends L. 1859, ch. 329.....	685	1819
Syracuse.....	1876	448	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1877	19	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1877	79	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1877	91	All. Taxes.....	685	1819
Syracuse.....	1877	269	All. Amends L. 1876, ch. 443.....	685	1819
Syracuse.....	1878	218	All. Amends L. 1876, ch. 443.....	685	1819
Syracuse.....	1878	340	All. Paving.....	685	1819
Syracuse.....	1879	308	All. Amends L. 1869, ch. 17.....	685	1819
Syracuse.....	1880	16	All. Amends charter 1857, ch. 63...	685	1819
Syracuse.....	1880	280	All. Amends L. 1878, ch. 340.....	685	1819
Syracuse.....	1880	237	All. Amends L. 1868, ch. 780.....	685	1819
Syracuse.....	1881	34	All. Amends L. 1880, ch. 237.....	685	1819
Syracuse.....	1881	231	All. Streets.....	685	1819
Syracuse.....	1881	558	All. Amends L. 1877, ch. 79.....	685	1819
Syracuse.....	1881	559	All. Amends L. 1869, ch. 17.....	685	1819
Syracuse.....	1884	467	All. Tax.....	685	1819
Syracuse.....	1885	26	Charter, §§ 46-49, 188-173.....	684	1795
Syracuse.....	1885	26	Charter, §§ 67, 68.....	681	1747
Syracuse.....	1885	26	Charter, §§ 184-202, 204-237.....	685	1819
Syracuse.....	1885	26	Charter, § 308.....	683	1760
Syracuse.....	1885	347	Sections 4-16. Amends charter 1885, ch. 26.....	684	1795
Syracuse.....	1885	347	Section 17. Amends charter 1885, ch. 26.....	685	1819
Syracuse.....	1888	449	Sections 8-21. Amends charter 1885, ch. 26.....	684	1795
Syracuse.....	1889	475	Sections 7-9, 21-27. Amends charter 1885, ch. 26.....	684	1795
Syracuse.....	1891	288	All. Amends charter 1885, ch. 26...	685	1819
Syracuse.....	1891	376	Sections 4, 5. Amends charter, 1885, ch. 26.....	684	1795
Syracuse.....	1892	509	Sections 1, 2, 5, 6 and 7.....	683	1760
Syracuse.....	1892	595	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1893	531	Sections 17-19. Amends charter 1885, ch. 26.....	684	1795
Syracuse.....	1893	531	Sections 24-29. Amends charter 1885, ch. 26.....	685	1819
Syracuse.....	1895	229	Sections 2, 3. Amends charter 1885, ch. 26.....	684	1795
Syracuse.....	1895	950	Sections 10-22. Amends charter 1885, ch. 26.....	684	1795
Syracuse.....	1896	306	Sections 1-3. Amends charter 1885, ch. 26.....	684	1795
Syracuse.....	1896	321	All. Amends charter 1885, ch. 26...	684	1795

II. LOCAL LAWS REPEALED—(Concluded).

Subject.	Laws of	Chap- ter.	SECTIONS REPEALED.	Chap- ter.	Page.
Syracuse	1896	599	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1896	704	Sections 1-2. Amends charter 1885, ch. 26	685	1819
Syracuse.....	1896	704	All. Amends charter 1885, ch. 26...	688	1760
Syracuse.....	1897	89	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1898	210	Section 4. Amends charter 1885, ch. 26, § 67	681	1747
Syracuse.....	1898	274	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1898	288	All. Amends charter 1885, ch. 26...	685	1819
Syracuse.....	1898	284	All. Charter 1885, ch. 26	685	1819
Syracuse.....	1898	285	Section 9. Amends charter 1885, ch. 26	684	1795
Syracuse.....	1898	429	All. Amends charter 1885, ch. 26...	688	1760
Syracuse.....	1898	429	Section 1. Amends charter 1885, ch. 26	685	1819
Syracuse.....	1898	595	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1898	661	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1899	136	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1899	862	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1899	454	All. Amends charter 1885, ch. 26...	685	1819
Syracuse.....	1900	556	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1903	890	All. Amends charter 1885, ch. 26...	683	1761
Syracuse.....	1903	531	All. Amends charter 1885, ch. 26...	684	1795
Syracuse.....	1904	72	Sections 2-4. Amends charter 1885, ch. 26	684	1795
Tonawanda.....	1903	22	All. Charter	357	813
Tonawanda	1904	65	All. Amends 1903, ch. 22	357	813
Tonawanda	1904	260	All. Amends 1903, ch. 22	357	813
Troy	1903	889	All. Municipal improvement com- mission	351	635
Troy	1904	629	All. Amends 1903, ch. 389	351	635
Utica	1904	452	Drainage, § 3	480	1094
Westchester county	1904	206	All. Publication of official notices..	138	226
Westchester county	1904	207	All. Publication of official notices..	137	226

Agriculture, Commissioner of—Continued:	Chap.	Page.
beet sugar, bounty, appropriation for.....	700	1980
clerks, employees, appropriation for.....	699	1899
diseases of domestic animals, enforcing law relating to, appro- priation for	700	1959
expenses, appropriation for.....	699	1900
farmers institute, maintenance, appropriation for.....	699	1899
licensing of persons in charge of milk stations, agricultural law amended	603	1488
New York assistant, salary and expenses, appropriation for.....	699	1900
nursery inspection, appropriation for.....	699	1900
pure food, enforcing law relating to, appropriation for.....	700	1959
salary, appropriation for.....	699	1898
San José scale, investigation and extermination of, appropriation for	699	1900
statistics, collection and dissemination of, agricultural law amended	243	478
supervisors, to furnish statistical information to, agricultural law amended.....	243	478
Agricultural Experiment Station:		
bacteriology, horticulture, dairy practice, appropriation for.....	699	1901
commercial fertilizers, enforcing law as to, appropriation for....	699	1901
concentrated feeding stuffs, enforcing law as to, appropriation for,	699	1901
general expenses, appropriation for.....	699	1901
Geneva, appropriation for.....	699	1901
horticultural instruction, appropriation for.....	699	1901
labor, appropriation for.....	699	1901
salaries, appropriation for.....	699	1901
Agricultural law amended:		
animals having tuberculosis, destruction of, compensation for, § 70-a.....	167	359
butter and cheese factories, § 23.....	601	1485
calves, slaughter and sale of, for food, § 70-e.....	171	363
cream, selling limitation of, § 22.....	602	1487
food adulterations, § 165.....	100	140
licensing of persons in charge of milk stations, § 32.....	603	1488
milk, unclean receptacles and places for keeping, § 32.....	603	1488
statistics, collection and dissemination of, by commissioner of agriculture, article XIV.....	243	478
sugar beet culture, promotion and encouragement of, article V....	759	2133
Agricultural societies:		
appropriation for	699	1900
Union Agricultural and Horticultural Society, Trumansburg, re- imbursement of, for premiums paid in 1903, appropriation for..	701	1985
Albany:		
port of, harbor-master for, office abolished, navigation law amended	505	1168
Albany, city:		
additional water supply, bonds for.....	26	29
bridge across the Hudson river, act amended.....	381	894
electric railroads in, to issue transfer tickets.....	358	813
Albany City Homeopathic Hospital:		
power to take and hold property, enlarged, charter amended.....	308	580
Albany county:		
sheriff, under-sheriff and jail employees, duties and compensation.	41	47
Albany Home School for the Deaf:		
support and instruction, appropriation for.....	699	1988

INDEX.

27

	Chap.	Page.
Albany Hospital:		
maintenance and medical care of state employees, appropriation for	700	1980
Albion, village:		
charter amended generally.....	205	424
Alfred University:		
State School of Clay Working and Ceramics, appropriation for...	609	1938
Alfred, village:		
bonds for constructing water works system legalized.....	4	4
Allegany county:		
Genesee river, trout, close season, game law amended.....	424	900
Supervisors, proceedings of, relative to bonds, town of Granger, legalized	29	31
trout, close season, game law amended.....	424	900
Allowances:		
military code amended, relative to, § 165.....	419	955
American Institute of the City of New York:		
appropriation for.....	699	1900
American Museum of Natural History in the Central Park of the city of New York:		
appropriation for	292	555
American Rubber Tire Company:		
claim of, against New York city, audit of.....	346	620
Amsterdam, city:		
board of education, powers and duties of, charter amended.....	65	78
bonds of, for new school buildings, legalized.....	212	434
superintendent of instruction, powers and duties of, charter amended	65	82
water commissioners, powers of.....	25	29
Amusements:		
licenses for, in towns having more than three thousand inhabitants	249	484
Andersonville National Cemetery, Georgia:		
monument to New York prisoners of war, appropriation for.....	717	2017
Andersonville Prison, Georgia:		
monument to New York prisoners of war in, appropriation for...	717	2017
Andrews, Charles:		
compensation of, appropriation for.....	700	1944
Animals:		
destroyed, compensation to owners of, agricultural law amended.	167	359
Annual reports:		
stock corporation law amended, relative to, § 30.....	415	951
Answer:		
contents of, code of civil procedure, amended, § 500.....	431	965
Antelope:		
penalty for taking, game law amended, § 16.....	319	589
Apartment hotel keepers:		
liens of, lien law amended, § 71.....	206	427
Apothecary:		
omitting to label drugs, or labeling them wrongly, penal code amended	442	977

Appropriation acts:	Chap.	Page.
agriculture, promotion of.....	719	2018
agriculture, promotion of.....	720	2019
American Museum of Natural History in the Central park.....	292	555
Andersonville prison, Georgia, monument to New York prisoners of war in.....	717	2017
annual appropriation bill.....	699	1870
annual supply bill.....	700	1942
annual supply bill (supplementary).....	701	1983
armories, Geneva, improvement and enlargement.....	744	2113
Oswego, site and building.....	742	2708
Syracuse, new armory and stable.....	743	2110
Auburn prison, repairs and improvements.....	704	2008
Beaver river, construction of masonry dam on.....	172	365
Binghamton State Hospital, buildings, repairs and improvements.....	702	1992
Buffalo State Hospital, buildings, repairs and improvements.....	702	1992
Bull Run, monument to commemorate services of Fifth Regiment, New York State Volunteer Infantry at battle of.....	671	1699
canal debt, payment of interest on and portion of principal.....	206	517
payment of interest upon for 1904.....	711	2011
payment of interest upon for 1905.....	710	2010
sinking fund, certain unexpended balances transferred to....	722	2022
canals, improvement of.....	143	319
repairs of structures and works on.....	172	365
repairs of structures and works on.....	709	2009
Cattaraugus creek, bridge over, at Irving, improvement of.....	172	365
Chemung canal, reconstruction of slope wall in Corning.....	172	365
Claims, Court of, judgments of, in claims on account of counties..	706	2006
payment of judgments, in canal cases.....	707	2006
payment of judgments, other than canal claims.....	706	2007
Clinton prison, repairs and improvements.....	704	2008
commission of gas and electricity, salaries and expenses of.....	737	2002
commission to inquire as to providing modern prison buildings, expenses of.....	718	2017
concurrent resolutions, 1904, balance due for publication of.....	19	22
Craig Colony for Epileptics at Sonyea, dormitories, repairs and equipment.....	708	2008
Creedmore rifle range, improvement and betterments.....	712	2011
Dannemora State Hospital, repairs and improvements.....	704	2008
Eastern New York Reformatory, buildings, repairs and improvements.....	704	2008
enumeration of inhabitants of state, expenses of.....	98	117
examination of accounts of counties, cities and villages, expenses of.....	705	2007
excise commissioner, refunds on surrender of liquor tax certificates.....	7	9
Gowanda State Homeopathic Hospital, buildings, repairs and improvements.....	702	1995
hospitals for the acute insane, construction of.....	702	1999
hospitals for the chronic insane, construction of.....	702	1996
Hudson River State Hospital, buildings, repairs and improvements.....	702	1991
Jamestown ter-centennial exhibition, New York State exhibit at..	721	2020
legislative, drafting and revising bills.....	3	3
Lewis and Clark Centennial Exposition at Portland, Oregon, state exhibit at.....	715	2014
Long Island State Hospital, Kings Park, buildings, repairs and improvements.....	702	1995
Manhattan State Hospital, Central Islip, buildings, repairs and improvements.....	702	1994
Manhattan State Hospital, East, buildings, repairs and improvements.....	702	1994
Manhattan State Hospital, West, buildings, repairs and improvements.....	702	1994

Appropriation acts—Continued:

	Chap.	Page.
Matteawan State Hospital, repairs and improvements.....	704	2003
Middletown State Homeopathic Hospital, buildings, repairs and improvements	702	1992
New York House of Refuge at Randall's Island, repairs and equipment	703	1999
New York State Custodial Asylum for Feeble-Minded Women at Newark, buildings, repairs and equipment.....	703	1999
New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw, sewer and connections.....	703	2000
New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook, improvements, repairs and equipment	703	1999
New York State Institution for Feeble-Minded Children at Syracuse, plumbing, repairs and equipment.....	703	200
New York State Reformatory at Elmira, heating, repairs and equipment	703	1998
new buildings and equipment.....	145	322
New York State Reformatory for Women at Bedford, buildings, repairs and equipment.....	703	1998
New York State School for the Blind at Batavia, heating and plumbing	703	1997
New York State Soldiers' and Sailors' Home at Bath, buildings, repairs and equipment.....	703	1997
New York State Training School for Girls at Hudson, improvements, repairs and equipment.....	703	1998
New York State Woman's Relief Corps Home at Oxford, improvements, repairs and equipment.....	703	1999
official notices, publication of.....	19	22
Oswego canal, bridges over at Willow street, Syracuse.....	172	365
prisons, state superintendent, Bertillon system, cards, annual amount for, increased.....	536	1204
probation system, operations of commission to examine.....	714	2013
public defence bonds, payment of.....	8	10
public works, superintendent of, toll bridges across Delaware river between New York and Pennsylvania, report as to acquisition of.....	275	527
quarantine station at Hoffman and Swinburne Islands, improvements at.....	741	2106
reception hospital for insane, New York city, construction of....	702	1996
Rensselaerwyck rifle range, additional lands for, acquisition of...	713	2012
Rochester State Hospital, buildings, repairs and improvements... payment of assessment upon lands of.....	702	1993
.....	693	1857
Rome State Custodial Asylum, buildings, repairs and equipment..	703	2000
St. Lawrence State Hospital, buildings, repairs and improvements.	702	1993
session laws 1904, balance due for publication of.....	18	21
Sing Sing prison, rebuilding visiting room.....	704	2003
State fair commission, salaries, expenses, maintenance.....	720	2019
state hospitals for insane, extraordinary repairs and emergencies.	702	1996
State Industrial School at Rochester, buildings, repairs and equipment	703	2000
State Normal College, Albany, additional site for	716	2016
State Prison for Women, buildings, repairs and improvements....	704	2004
state superintendent of elections, salaries of employees, office expenses	355	647
state water supply commission, expenses of.....	723	2022
supply bill	700	1942
supply bill (supplementary).....	701	1983
Thomas Asylum for Orphan and Destitute Indian Children at Iroquois, improvements, repairs and equipment.....	703	1998
Utica State Hospital, buildings, repairs and improvements.....	702	1990
Western House of Refuge for Women at Albion, buildings, repairs and equipment.....	703	1997
Willard State Hospital, buildings, repairs and improvements....	702	1991

	Chap.	Page.
Architect, state:		
clerks, employees, salaries, appropriation for.....	699	1902
building inspectors, salaries, appropriation for.....	699	1902
Collier, DeWitt M., building inspector, salary, appropriation for..	700	1960
engineer inspector, salary, appropriation for.....	700	1961
office expenses, appropriation for.....	699	1902
deficiency, appropriation for.....	700	1960
plans and specifications for improvements at quarantine stations, preparation of.....	741	2107
plans and specifications for state charitable institutions, prepara- tion of.....	703	2001
salary, appropriation for.....	699	1902
transportation and supervision, appropriation for.....	699	1902
expenses, appropriation for.....	700	1960
Argus Company:		
printing, appropriation for.....	701	1966
Armories:		
Broome county, reimbursement of, for sale of heating apparatus in old armory, appropriation for.....	700	1967
employees in, compensation of, military code amended, §§ 138, 139 140	618	1513
expenses of erecting, improving and furnishing, military code amended, § 133.....	618	1512
Geneva, improvement and enlargement, appropriation for.....	744	2113
Oswego, site and building for, appropriation for.....	742	2106
repairs and improvements, appropriation for.....	700	1967
Syracuse, armory and stable, new, appropriation for.....	743	2110
old, sale of, authorized.....	743	2110
Whitehall, materials furnished by J. H. Sullivan, appropriation for	700	1967
Armory Commission:		
authorized to convey to city of Buffalo certain lands and premises. repairs of arsenals, armories, camp grounds and rifle ranges, appropriation for.....	544	1224
	700	1967
Arms:		
for national guard and naval militia, military code amended.....	617	1311
Arsenals:		
repairs and improvements, appropriation for.....	700	1967
Ashes:		
disposition of, in villages, village law amended.....	500	1159
Assembly:		
chaplain, appropriation for.....	700	1946
clerk, advances to, for contingent expenses, appropriation for....	699	1877
clerk, advances to, for forwarding reports and documents, appro- priation for.....	700	1947
clerk, contingent expenses, appropriation for.....	701	1963
committee on investigation of gas and electric lighting companies in New York city, expenses, appropriation for.....	700	1947
committee on investigation of gas and electric lighting companies in New York city, expenses, appropriation for.....	701	1964
engrossing resolutions, appropriation for.....	700	1946
indexing bills, journals and documents, appropriation for.....	699	1878
judiciary committee, expenses of, in Warren B. Hooker investiga- tion, appropriation for.....	701	1964
judiciary committee, services of Henry B. Corman as counsel in Warren B. Hooker investigation, appropriation for.....	701	1964
Perham, Frederic E., deceased member, balance of salary, appro- priation for.....	700	1947

INDEX.

31

	Chap.	Page.
Assembly—Continued:		
speaker, extra stenographic and clerical services, appropriation for	701	1983
supplementary index to bills, journals and documents, appropriation for	700	1947
ways and means committee, extra stenographic and clerical services	701	1983
Assessments:		
impairment of capital, banking law amended.....	649	1644
lands in Ulster county acquired by city of New York, taxation of.....	598	1471
time for making, tax law amended.....	61	73
town assessment rolls, adoption of, in certain villages.....	300	570
Assessors:		
time of making assessment by, tax law amended.....	61	73
Assignments:		
state authorized to accept certain.....	388	906
Associations:		
money loan, place of incorporation, act amended.....	333	608
Asylums:		
Hebrew Infant Asylum of the City of New York, unpaid assessments, cancellation of.....	291	554
New York State Custodial Asylum for Feeble-Minded Women at Newark, buildings, repairs, appropriation for.....	703	1999
fire-escapes on cottage dormitories, appropriation for.....	700	1975
improvements, appropriation for.....	700	1976
maintenance, appropriation for.....	699	1935
Rome State Custodial Asylum at Rome, buildings, land, etc., appropriation for	703	2000
improvements, appropriation for.....	700	1977
maintenance, appropriation for.....	699	1936
Thomas Asylum for Orphan and Destitute Indian Children at Iroquois, improvements, repairs, appropriation for.....	703	1999
maintenance, appropriation for.....	699	1935
Attendance officers:		
consolidated school law amended.....	290	531
powers and duties of, compulsory education law amended.....	311	582
Attica, village:		
assessors, trustees, collector, acts of, relative to taxes and assessments, legalized.....	213	435
Attorney-General:		
attorneys and commissioners employed pursuant to law, appropriation for.....	700	1953
attorneys employed pursuant to the executive law, appropriation for	700	1953
Becker, Tracy C., legal services, appropriation for.....	700	1954
Black, Olcott, Gruber and Bonyne, legal services, appropriation for	700	1955
claims against state, investigation of, appropriation for.....	700	1953
clerks, employees, salaries, appropriation for.....	699	1884
costs of suits, appropriation for.....	699	1884
deficiency, appropriation for.....	700	1954
deputies and assistants, salaries, appropriation for.....	699	1883
deputies and clerks, expenses, appropriation for.....	699	1884
deputy, employee, salaries for 1905, appropriation for.....	700	1954
deputies, first and second, expenses of, appropriation for.....	699	1884
duty of, in Court of Claims, code of civil procedure amended....	370	851
expenses of, appropriation for.....	699	1884
filing cases, office fixtures, appropriation for.....	700	1954

		Chap.	Page.
Attorney-General—Continued:			
New York City Bureau, deputy, salary, appropriation for.....	699	1884	
employees, salaries, appropriation for.....	699	1885	
furniture, appropriation for.....	700	1954	
special counsel, office expenses, appropriation for.....	699	1885	
special counsel, office expenses, deficiency, appropriation for..	700	1954	
office expenses, appropriation for.....	699	1884	
deficiency, appropriation for.....	700	1954	
Paulding, C. C., legal services, appropriation for.....	700	1955	
salary, appropriation for.....	699	1883	
Attorneys and counselors:			
rules of Court of Appeals governing admission of, amended.....	...	2146	
Auburn, city:			
charter amended generally.....	356	647	
charter, certain sections revised.....	460	1006	
claim of, against the state, Court of Claims to hear and determine.	594	1467	
streets, flushing and sprinkling of, charter amended.....	110	153	
paving of, payment for, act amended.....	352	636	
subways or conduits, construction of, bonds for.....	475	1072	
Auburn Prison:			
repairs, appropriation for.....	790	1969	
repairs and improvements, appropriation for.....	794	2003	
Auburn Prison for Women:			
maintenance, appropriation for.....	699	1924	
Aurelia Osborn Fox Memorial Hospital Society of Oneonta:			
appropriation for, by Oneonta town board, authorized.....	103	144	
Autopsies:			
Craig Colony for Epileptics, state charities law amended.....	458	1002	
Babylon, village:			
railroad in, location of tracks, motive power.....	174	369	
Badger creek:			
Elmira, common council authorized to change course of.....	577	1297	
Ball:			
children arrested under age of sixteen years.....	656	1663	
Ballston Spa, village:			
sewer system, construction of, bonds for.....	369	847	
Bank officers:			
overdrawing accounts, receiving commissions, penal code amended, § 600.....	248	483	
Banks:			
amount which a bank may loan, banking law amended, § 25.....	456	995	
communications from banking department, banking law amended, § 39.....	416	952	
depositories of state moneys, security from, state finance law amended, § 8.....	372	876	
directors of, semi-annual examination by, banking law amended, § 21-a.....	418	954	
examination of, banking law amended.....	394	922	
impairment of capital, banking law amended, § 17.....	049	1644	
reports of, banking law amended.....	397	564	
use of the word "savings" by, banking law amended.....	564	1253	
Banking corporations:			
examination of, banking law amended.....	394	922	

INDEX.

33

	Chap.	Page.
Banking Department:		
bureau of building and loan associations, salaries, appropriation for	699	1904
clerks and stenographers, salaries, appropriation for.....	700	1904
clerks, employees, appropriation for	699	1903
communications to banks and trust companies, banking law amended, § 39.....	416	952
contingent fund, appropriation for.....	699	1904
deputy, salary and expenses, appropriation for.....	699	1903
examiners, payment of, appropriation for.....	700	1904
examiners, salaries, appropriation for.....	699	1904
litigations, expenses of deputies and clerks, attorney-general's office, appropriation for.....	699	1904
New York city branch office, rent of, appropriation for.....	699	1903
office expenses, appropriation for.....	699	1903
superintendent, salary, appropriation for.....	699	1903
Banking law amended:		
amount which a bank or trust company may loan, § 25.....	456	995
banks and trust companies, reports of, § 20.....	297	584
building and mutual loan corporations, expenses of, § 195-b.....	673	1704
communications from banking department, article 1, § 39.....	416	952
cooperative savings and loan associations, capital and shares, § 174	604	1490
withdrawal of free shares of, § 176.....	757	2128
impairment of capital, § 17.....	649	1044
loans, security for, not to be made upon second mortgages, § 179..	491	1147
powers of superintendent, § 8.....	894	922
securities in which savings bank deposits may be invested, § 116, sub-divisions 5, 6.....	401	980
semi-annual examination by directors of banks and trust companies, § 21-a.....	418	954
trust companies, powers of, § 156, sub. 6.....	414	951
use of the word "savings," prohibition as to, § 131.....	564	1255
Barges:		
engaging in excursions from cities of over 1,000,000 inhabitants, construction of.....	306	578
Barrett, Florence W.:		
escheat property in city of Buffalo, released to.....	135	224
Barron, James S., and Company:		
claim of, against New York city, audit of.....	346	620
Bass, black:		
Chautauqua county, game law amended.....	421	957
Bass, yellow:		
Chautauqua county, game law amended.....	421	957
Basso, Alexandre:		
escheat property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Basso, Marie Pauline:		
escheat property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Bastards:		
support of code of criminal procedure amended.....	327	603
Batavia, village:		
charter amended generally.....	116	168
Bath, village:		
funds of, how raised, charter amended.....	121	182

Bathing establishments:	Chap.	Page.
regulating the sanitary condition of, public health laws amended.	454	991
Bathing places:		
preservation of life at, public health laws amended.....	454	991
Bazian, Marie:		
escheat property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Bear, wild black:		
penalty for failure to report taking of.....	319	589
Beaver:		
close season, game law amended, § 14.....	428	963
penalty for taking, game law amended, § 16.....	319	589
Beaver river:		
construction of masonry dam on, appropriation for.....	172	365
state dam on, commissioners of, powers of.....	382	895
Beaverkill river:		
bonds for iron bridge across, time of payment of.....	9	11
Becker, Tracy C.:		
legal services, appropriation for.....	700	1954
Bedford, town:		
supervisor to invest moneys received from New York city for lands taken for water supply.....	396	925
Beerkill creek:		
dyke along bank of, bonds for completion of.....	216	438
Benevolent and Protective Order of Elks of the United States of America:		
unauthorized use of badge or button of, penal code amended.....	590	1324
Bequests:		
state authorized to accept certain.....	388	906
Bethel, town:		
authorized to acquire plank roads and turnpikes, bonds for.....	40	44
Bicycles:		
on sidepaths, sidepath police, appointment of, act amended.....	605	1492
Big Sandy pond:		
fishing through the ice in, game law amended.....	427	962
Bills:		
legislative, drafting and revising, appropriation for.....	3	3
Binghamton, city:		
sale of lands for unpaid taxes or assessments, charter amended..	479	1087
sidewalks, building and maintaining, charter amended.....	295	558
Binghamton State Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1992
Birds, wild:		
nests of, protection of, game law amended.....	426	961
Black, Olcott, Gruber & Bonyng:		
legal services, appropriation for.....	700	1953
Black River canal:		
unexpended balance in fund for completion of, transferred to canal debt sinking fund.....	722	2022

INDEX.

35

	Chap.	Page.
Blanchard, Hiram:		
judgment of, payment of, appropriation for.....	700	1950
Boards of managers:		
state hospitals, appointment, terms, powers and duties, insanity law amended.....	490	1120
Boards of visitation:		
state hospitals, abolished, insanity law amended.....	490	1120
Bonds:		
of any other state, state authorized to accept.....	388	906
Bonds of municipalities:		
Alfred village, issue of, for constructing water works legalized...	4	4
Amsterdam, for new school buildings, legalized.....	212	434
Auburn, for construction of subways of conduits.....	475	1072
issue of, for flushing and sprinkling streets, authorized.....	110	154
Ballston Spa, for construction of sewer system in, authorized....	369	847
Bethel town, issue of, for acquiring plank roads and turnpikes....	40	44
Buffalo, for completing the abatement of certain nuisances authorized.....	546	1227
for construction of storm water drain in city and in village of Sloan.....	647	1639
for improving water works system, authorized.....	91	128
for purchase of Indian burying ground for park purposes....	545	1223
for school lots and buildings authorized.....	548	1228
Clinton, issue of, for electric light system.....	57	69
Cornwall town, union free school district No. 7, issue of, legalized.	77	100
Ellenville village, for dyke along Beerkill creek.....	216	438
Elmira, Lake street bridge over Chemung river.....	476	1080
Fallsburgh, town, issue of, for acquiring plank roads and turnpikes.....	40	44
Fonda village, bond issue for paving certain streets in, legalized.	38	42
Goshen village, bond issue for improvement of water supply legalized.....	1	1
Granger, proceedings of board of supervisors of Allegany county, relative to, legalized.....	29	81
Granville, bonds of union free school district No. 7 legalized.....	12	15
Greenburgh town, issue for road improvement, authorized.....	105	140
Hancock, bonds for iron bridge across Beaverkill river, time of payment of.....	9	11
Herkimer town, union free school district No. 1, issue of, legalized.	30	32
Hoosick Falls, for site and erection of village building, authorized.	219	444
Ilion, bond issue for improving electric light plant, legalized....	5	6
Islip, for a site and building for town purposes, authorized.....	482	1097
Liberty, town, issue of, for acquiring plank roads and turnpikes.	40	44
Little Valley village, for electric light, legalized.....	169	361
Lockport, for improvement of Hawley street school building....	364	822
Louisville, for bridge over De Grasse river.....	397	926
Madrid, for bridge over De Grasse river.....	397	926
Mamakating, town, issue of, for acquiring plank roads and turnpikes.....	40	44
Medina village, for water works system.....	194	413
Middletown, town, for retiring certificates of indebtedness.....	246	482
Mohawk village, issue of, for improving water and lighting systems, legalized.....	72	90
Moreau, town, new bridge, payment of bonds for, legalized.....	99	139
Mt. Vernon, for paving and grading streets.....	176	372
issue for sites and buildings for fire and police departments..	87	121
issue of refunding bonds authorized.....	114	166
Neversink, town, issue of, for acquiring plank roads and turnpikes.....	40	44
Newark, village, for water works system, authorized.....	179	376
New Rochelle, for assessment map, authorized.....	236	466
for street improvement.....	471	1064

Bonds of municipalities—Continued:	Chap.	Page.
New York city, for new penitentiary.....	173	366
special revenue bonds, issue of, authorized.....	24	28
Niagara Falls, sewer bonds, authorized and legalized.....	463	1083
Ogdensburg, bonds for new school buildings.....	245	480
Olean, for acquiring lands for public park.....	376	884
Oneida county, additional bonds for new courthouse authorized..	132	207
Onondaga county, for acquiring toll turnpikes, plank roads and bridges	120	180
Orange county, road bonds, issue and sale of, confirmed.....	39	43
Oswegatchie, town, to improve town hall, legalized.....	50	61
Owego city, issue of, for water supply from Lake Ontario.....	48	44
Painted Post, issue of, by river commissioners, authorized.....	45	53
Palmira, school district No. 1, for addition to school building legalized	208	430
Peekskill village, for new force main and to pay water bonds.....	403	937
Pelham, town, for new town hall, authorized.....	254	491
Ramapo, town, union free school district No. 7, issue of, legalized.	76	89
Rensselaer city, fire house and street pavement.....	580	1305
Rochester, issue of water funding loan bonds, authorized.....	118	178
market bonds, relative to, act amended.....	233	461
Rome, for street improvements, authorized.....	13	16
Salem, union free school district No. 12, issue of, authorized.....	84	118
Saranac Lake village, for improvement of sewer and water systems	158	347
Schenectady, city, for purchase of buildings of hospital association	230	458
Schroon, town, for bridge over Schroon river, legalized.....	189	405
Silver Creek, village, for enlarging water works system.....	197	416
Thompson, town, issue of, for acquiring plank roads and turnpikes	40	44
Troy, additional water works bonds, authorized.....	350	625
for payment of claims of certain school janitors.....	592	1328
issue of tax deficiency bonds, authorized.....	180	201
Prospect park bonds authorized.....	350	625
Tuckahoe, village, issue for street improvements, legalized.....	56	68
Utica, for changing channel of the Mohawk river.....	81	108
for extension of drainage system.....	480	1094
Waddington, for bridge over De Grasse river.....	397	928
Weedsport, to pay claim of estate of Addice Grace Wright, deceased	402	937
White Plains, certificates of indebtedness, issue for, authorized..	147	325
public library, site for.....	148	328
Yonkers, for bridges over water courses, authorized.....	487	1113
for highway purposes, authorized.....	294	557
Booth, Charles, deceased:		
escheat property of, in New York city, released to beneficiaries under will of.....	349	624
Booth, John N.:		
claim of, to be heard and determined by the court of claims.....	565	1257
Booth, William:		
claim of, against city of New York, comptroller to hear and determine	183	330
Botanist, state:		
salary, appropriation for.....	609	1890
Bowler, Edgar:		
claim of, against city of New York.....	748	2118
Bradt, James J.:		
escheat property in city of Niagara Falls, released to.....	658	1670

INDEX.

37

	Chap.	Page.
Duadt, Peter H. L.: escheat property in city of Niagara Falls, released to.....	658	1670
Brady, John: claim of, against city of New York.....	748	2118
Brainard, Alfred C.: claim of, against New York city, board of estimate and apportionment authorized to pay.....	231	459
Brainard, E. D., and Sons: claim of, against New York city, investigation and payment of...	231	459
Brennan, James: claim of, against city of New York.....	748	2118
Bridges: acquisition of bridges across Delaware river, options for.....	275	526
Albany, across the Hudson river at, act amended.....	381	894
Beaverkill river, bonds for bridge across, time of payment of....	0	11
Cattaraugus creek, bridge over, at Irving, appropriation for....	172	365
Chemung river, Elmira, construction or repair of, bonds for....	476	1080
De-Grasse river, bond issue for iron bridge across.....	397	926
East river, across, time of New York Connecting Railroad Co., to construct, extended.....	691	1856
extraordinary repairs of, highway law amended.....	417	953
Hudson river at Moreau, payment of bonds for, legalized.....	99	139
Onondaga county, supervisors may acquire franchises for, bonds for	120	180
Oswego canal, bridge over, at Willow street, Syracuse, appropriation for.....	172	365
River Bridge Company, time for completion of bridge extended..	353	645
Rochester city, over railroad tracks on Bronson avenue, assessment for construction of.....	645	1617
over railroad tracks on Main street east, assessment for construction of.....	676	1722
Brighton, town: portion of, annexed to Rochester city.....	134	210
Seneca Indian Council Rock commission, town board may appropriate moneys for.....	69	86
Brighton, village: annexed to Rochester city.....	134	210
Citizens' Fire Company, members of, relief of.....	560	1253
Broadway Trust Company: accounts of, for taxes paid, comptroller to readjust.....	756	2127
Broan, John: claim of, against city of New York.....	748	2118
Brockport village: water works system in, authorized.....	146	324
Bronx River valley: Westchester county, sanitary trunk sewer in, construction and maintenance of.....	646	1621
Brooklyn Heights Railroad Company: grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557
Brooklyn Union Elevated Railroad Company: grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557

Broome county:		
county judge and surrogate, salary of, county law amended.....	666	1692
fishing through the ice in Tioughnioga and Otselee rivers, in.....	313	584
jail liberties in, code of civil procedure amended.....	439	972
reimbursement of, for sale of heating apparatus installed in old armory, appropriation for.....	700	1967
Brown, James M., Post Memorial Hall Association:		
name changed, disposition of property.....	379	892
Brown, James M., Post No. 285:		
incorporation of.....	379	892
Buffalo city:		
armory commission to convey certain lands and premises to.....	544	1224
assessment rolls, charter amended, § 138.....	90	126
bonds for completing the abatement of certain nuisances author- ized	546	1227
bonds for improving water works system authorized.....	91	129
bonds for school lots and buildings authorized.....	548	1228
escheat property in, released to Florence W. Barrett.....	135	224
grade crossing commissioners, may award damages to estate of Mary Leng.....	604	1689
Indian burying ground on Buffam street, acquiring of, for park purposes	545	1225
Leng, Mary, estate, grade crossing commissioners may award damages to.....	664	1689
Liberty street, part of, to be conveyed to the Delaware, Lacka- wanna and Western Railroad Company and the New York, Lackawanna and Western Railway Company.....	547	1228
mayor, vacancy in office, how filled, charter amended.....	51	61
police force, pensions for members of, charter amended, § 211, sub. 3	181	378
premises occupied as armory by Sixty-fifth Regiment, National Guard, to be conveyed to.....	544	1224
public instruction, superintendent of education to appoint and re- move janitors, charter amended.....	109	152
public school teachers' retirement fund, charter amended, title 12, § A.....	192	411
storm-water drain in, construction of, bonds for.....	647	1639
University of, curator of medical department, office abolished....	558	1235
use of park lands for pumping station.....	111	157
ward boundaries, charter amended.....	644	1606
water works, park lands to be used as pumping station for.....	111	157
Buffalo and White's Corners Plank road:		
railroads not to operate or lay tracks upon.....	222	447
Buffalo, Gardenville and Ebenezer Railway:		
extension of time to complete road.....	2	3
Buffalo Southern Railway Company:		
extension of time to complete road.....	2	3
Buffalo State Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1992
Building and loan associations:		
use of the word "savings" by, banking law amended.....	564	1253
Building and mutual loan corporations:		
expenses of, payment of, banking law amended.....	673	1704
Bullheads:		
Chautauqua county, game law amended.....	421	937
fishing through the ice for, in certain waters, game law amended.	313	584
spearing and hooking in certain waters, game law amended.....	343	617

INDEX.

39

	Chap.	Page.
Bull Run:		
monument to commemorate services of Fifth Regiment, New York State Volunteer Infantry, at battle of.....	671	1699
Burke, John:		
claim of, against city of Troy, hearing and determination of.....	592	1326
Burpo, Charles:		
claim of, against city of New York.....	748	2118
Butter factories:		
regulations of, agricultural law amended.....	601	1485
Cahill, B. F.:		
acts of, as notary public, legalized.....	609	1503
Caledonia Hatchery:		
protecting waters of, appropriation for.....	700	1963
Caledonia, town:		
payment of salary of policeman of village of Caledonia.....	409	945
Caledonia, village:		
policeman, payment of part of salary, by town of Caledonia....	409	945
Calves:		
slaughter and sale of, for food, agricultural law amended, § 70-e..	171	363
Canadice lake:		
fishing through the ice in, game law amended.....	313	584
Canal debt:		
payment of interest on and portion of principal, appropriation for	266	517
payment of interest upon for 1904, appropriation for.....	711	2011
payment of interest upon for 1905, appropriation for.....	710	2010
Canal debt sinking fund:		
contracts for interest on deposits of, state finance law amended, § 62.....	372	876
tax rate for annual contribution to.....	509	1167
unexpended balance in canal enlargement fund transferred to....	722	2022
Canal fund:		
contracts for interest on deposits of, state finance law amended, § 62.....	372	876
Canal lands:		
abandoned, preferences to original owners on sales of, § 51 of public lands law repealed.....	451	988
Canal law amended:		
division and resident engineers and assistants, § 51.....	309	581
Canals:		
agent in canal claims, appropriation for.....	700	1971
Champlain, cleaning state ditches along, appropriation for.....	700	1971
improvement of, appropriation for.....	143	319
improvement of, relative to locks and channel.....	740	2102
Chemung, reconstruction of slope wall in Corning, appropriation for	172	365
division and resident engineers, assistants, canal law amended....	309	581
Erie, cleaning state ditches along, appropriation for.....	700	1971
improvement of, appropriation for.....	143	319
improvement of, relative to locks and channel.....	740	2102
Gowanus, assessment of damages to real property for construction of bridge across.....	224	448

	Chap.	Page.
Canals—Continued:		
judgment of Court of Claims on account of, appropriation for..	707	2008
lock-tending and ordinary repairs, appropriation for.....	689	1929
maintenance and ordinary repairs, deficiency, appropriation for..	700	1971
Oswego, bridge over at Willow street, Syracuse, appropriation for	172	365
improvement of, appropriation for.....	143	319
improvement of, relative to locks and channel.....	740	2102
repairs of structures and works on, appropriation for.....	172	365
repairs of structures and works on, appropriation for.....	709	2009
state tax rate for annual contribution to canal debt sinking fund.	509	1167
unexpended balance in canal enlargement fund, transferred to canal debt sinking fund.....	722	2022
Canandaigua lake:		
fishing through the ice in, game law amended.....	313	584
Canandaigua, village:		
charter amended generally.....	371	852
St John's church, endowment fund of.....	139	225
taxation and assessments, charter amended relative to.....	6	7
treasurer, relative to, office of, charter amended.....	6	7
Canton, town:		
town board authorized to increase election districts in.....	37	41
Capital:		
impairment of, assessments to make good, banking law amended.	649	1644
Caribou:		
penalty for taking, game law amended, § 16.....	319	589
Carmine, Thomas:		
claim of, against city of New York.....	748	2118
Carp:		
Keuka Lake, not to be placed in, game law amended.....	312	583
Carrigy, Thomas:		
claim of, against city of New York.....	748	2118
Carroll, William:		
claim of, against city of New York.....	748	2118
Carson, Henry:		
claim of, against city of New York.....	748	2118
Carter, Frank:		
claim of, against city of New York.....	748	2118
Catfish:		
fishing through the ice for, in certain waters, game law amended.	313	584
Catherine creek:		
excavation of, special election at Montour Falls, legalized.....	59	70
Cattaraugus county:		
muscullonge, close season, exception as to, game law amended....	423	959
reimbursement of certain towns for maintenance of indigent Indians, appropriation for.....	700	1981
woodcock, grouse and quail, close season, game law amended....	317	587
Cattaraugus creek:		
bridge over, at Irving, improvement of, appropriation for.....	172	365
Cayuga and Seneca canal:		
unexpended balance in enlargement fund transferred to canal debt sinking fund.....	722	2022

INDEX.

41

	Chap.	Page.
Cayuga county:		
Fall Brook creek, trout, close season, game law amended.....	424	900
Cayuga Indians:		
annuities, appropriation for.....	699	1939
Cemeteries:		
Kensico, relief of, may hold additional lands.....	354	646
Oak Lawn cemetery, Olean, removal of remains from, land to be made a public park.....	376	884
removal of remains from, religious corporations law amended....	324	599
soldiers' plots in, payment of certain expenses by county.....	391	910
Cemetery corporations:		
taxation of lot owners by, membership corporations law amended, § 52.....	123	184
Census:		
see enumeration.....	83	110
Central New York Institution for the Improved Instruction of Deaf-Mutes at Rome:		
support and instruction, appropriation for.....	699	1937
Central Realty Bond and Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Central Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Certiorari proceedings:		
costs and disbursements in, tax law amended.....	281	536
Champlain canal:		
cleaning state ditches along, appropriation for.....	700	1971
improvement of, appropriation for.....	143	319
locks and channel, improvement of.....	740	2102
unexpended balance in fund for enlargement of locks, transferred to canal debt sinking fund.....	722	2022
Chapels:		
trusts for founding, endowing and maintaining.....	393	921
Charities, State Board of:		
clerks, employees, salaries, appropriation for.....	699	1905
commissioners, compensation, appropriation for.....	699	1905
New York office, appropriation for.....	699	1905
office expenses, appropriation for.....	699	1905
poor, maintenance and removal, appropriation for.....	699	1906
postage and transportation, appropriation for.....	699	1905
president of, approval of plans and specifications for the state charitable institutions, by.....	708	2001
reports to, relative to children placed in family homes, poor law amended.....	273	524
Rochester office, appropriation for.....	699	1906
secretary, salary, appropriation for.....	699	1905
state and alien poor bureau, salaries, expenses, appropriation for.....	699	1906
traveling expenses, appropriation for.....	699	1905
Chattanooga:		
New York Monuments Commission for the battlefields of Gettysburg and Chattanooga, appropriations for.....	700	1979
Chautauqua county:		
mussellonge, black bass, yellow bass and bullheads, fishing for, game law amended, § 82.....	421	957
close season, exception as to, game law amended.....	423	959
squirrels, close season, game law amended.....	316	587
woodcock, grouse and quail, close season, game law amended.....	317	587

	Chap.	Page.
Chautauqua hatchery:		
increasing water supply, appropriation for.....	700	1963
Cheese factories:		
regulations of, agricultural law amended.....	601	1485
Chemung canal:		
reconstruction of slope wall in Corning, appropriation for.....	172	365
Chemung river:		
bridge across, at Elmira, construction or repair of, bonds for.....	476	1080
Chenango county:		
fishing through the ice in Susquehanna, Chenango and Unadilla rivers in	313	584
Chenango river:		
fishing through the ice in Chenango county.....	313	584
plans for improvement of, at Binghamton, appropriation for.....	700	1981
Children:		
abandonment of, penal code amended, § 287-a	168	306
bail, personal recognizance of parent or guardian may be accepted in lieu of, code of criminal procedure amended.....	656	1668
certificates of employment, labor law amended.....	518	1179
De Veaux College for Orphan and Destitute, charter amended....	383	897
employed in factories and other establishments, registry of, labor law amended.....	493	1151
employment of, consolidated school law amended.....	290	531
penal code amended relative to, §§ 289, 291.....	655	1664
powers and duties of attendance officers relative to truants.....	311	582
probation of, code of criminal procedure amended.....	656	1668
reports to State Board of Charities relative to children placed in family homes	273	524
sale of newspapers by, in cities of first and second classes prohibited	519	1183
Choses in action:		
of any other state, state authorized to accept.....	388	906
Christian associations:		
membership corporations law amended.....	320	591
Church:		
property of extinct church, title to, religious corporations law amended	193	411
Church Building Trust Association of New York:		
authorized to maintain a second place of worship.....	215	439
Church wardens:		
religious corporations law amended relative to filling vacancies..	46	53
Cities:		
academic fund, appropriation for.....	699	1896
financial reports of, appropriation for.....	700	1949
first class, exemption of property of certain pharmaceutical societies, tax law amended.....	446	963
sale of newspapers by children in streets and public places prohibited	519	1183
street surface railroad companies, payment of license fees and percentages of, railroad law amended.....	651	1649
normal schools, insurance of, by, authorized.....	252	489
over one million inhabitants, steam vessels and barges carrying excursion parties from, construction of.....	306	578
protection of persons employed on buildings, labor law amended..	520	1184

Cities—Continued:

	Chap.	Page.
rapid transit railways in cities of over one million inhabitants, act amended	599	1472
rapid transit railways in cities of over one million inhabitants, act amended	631	1550
second class, annual report of financial condition to state comptroller	705	2005
application of provisions of act to new cities	501	1180
fees of officers, act amended	508	1163
firemen's pension fund, act amended, § 205	444	980
health districts in, act amended, § 226	232	480
police court and police justice, jurisdiction of	687	1843
police pension fund, act amended, § 185	444	980
sale of newspapers by children in streets and public places prohibited	519	1183
special enrollments in, abolished, primary election law amended	674	1706
third class, annual report of financial condition to state comptroller	705	2005

Cities except New York:

Albany, additional water supply, bonds for	26	29
Amsterdam, board of education, powers and duties of, charter amended	65	78
bonds of, for new school buildings, legalized	212	434
water commissioners, powers of	25	28
Auburn, charter amended generally	356	647
charter, certain sections revised	400	1006
claim against state, Court of Claims to hear and determine	594	1467
streets, flushing and sprinkling of, charter amended	110	153
streets, paving of, payment for	352	636
subways or conduits, construction of, bonds for	475	1072
Binghamton, sale of lands for unpaid taxes or assessments, charter amended	479	1087
sidewalks, building and maintaining, charter amended	295	558
Buffalo, assessment rolls, charter amended	90	126
bonds for abatement of certain nuisances authorized	546	1227
bonds for improving water works system authorized	91	128
bonds for school lots and buildings authorized	548	1228
grade crossing commissioners may award damages to estate of Mary Leng	664	1689
Indian burying ground, Buffam street, acquiring of for park purposes	545	1225
Liberty street, part of, to be conveyed to certain railroad companies	547	1229
mayor, vacancy in office, how filled, charter amended	51	61
police force, pensions for members of, charter amended	181	387
public instruction, superintendent of education to appoint and remove janitors, charter amended	109	152
public school teachers' retirement fund, charter amended	192	411
state armory commission to convey certain premises to	544	1224
storm-water drain in, construction of, bonds for	647	1639
use of park lands for pumping station	111	157
ward boundaries, charter amended	644	1606
water works, park lands to be used as pumping station for	111	157
Cohoes, clerk, salary and duties of	47	55
commissioners of deeds, charter amended	367	826
local improvements, charter amended	575	1274
westerly boundary line, changing of, expense of, charter amended	54	65
Corning, acts of George Hitchcock, justice of the peace, legalized, charter revised	554	1232
charter revised	142	232
Cortland, charter revised, §§ 36, 66, 76	262	505
limitation of actions against, charter amended	481	1096

Cities except New York—Continued:

	Chap.	Page.
Elmira, assessors and assessments, charter amended.....	576	1233
Badger creek, common council authorized to change course of, bridge over Chemung river, construction or repair of, bonds for	577	1297
commissioners of cemeteries, relative to, charter amended...	476	1060
defective streets, sidewalks, etc., claims for damages from, charter amended	239	471
police force, charter amended, § 188.....	238	470
Geneva, armory, improvement of, appropriation for.....	184	391
certain lands granted to, by state, for park purposes.....	744	2113
charter amended generally.....	605	1690
street surface railroads, location of tracks of, charter amended	461	1023
Gloversville, assessment roll, correction and delivery of, charter amended	462	1082
Hudson, charter amended generally.....	472	1065
Jamestown, police justice, powers, charter amended.....	559	1236
treasurer, compensation for receiving water rents.....	478	1083
Johnstown, charter revised.....	58	70
cleaning sidewalks of snow and ice, charter amended.....	593	1328
Little Falls, special election, legalized.....	474	1079
tax levy, charter amended, § 53.....	591	1325
Lockport, charter amended generally.....	484	1034
Lockport, Hawley street school building, improvement of, bonds for	182	381
salaries of treasurer and attorney, charter amended.....	361	822
tax paid by foreign fire insurance corporations, charter amended	363	819
Mount Vernon, commissioner of public works, salary of, charter amended	365	823
delinquent taxes, assessments, tax notices, charter amended.....	255	493
fire department, payment of deficiency for support of.....	374	880
general fund, transfer of unused balances to.....	86	119
official newspapers, designation of, charter amended.....	561	1253
paving and grading streets, bonds for, authorized.....	473	1069
police force, members of, charter amended.....	178	372
refunding bonds authorized.....	85	119
sites and buildings for fire and police departments, bonds for.....	114	166
Newburgh, commissioners of the almshouse, name changed to commissioners of the home of.....	87	121
commissioners of the home of, election, terms.....	467	1039
New Rochelle, assessment map of, common council to procure, bonds for.....	467	1038
assessors, clerk of, terms of office, charter amended.....	236	466
authorized to compensate John Hettinger for injury to real property	470	1061
bonds for street improvements.....	624	1522
city officers, compensation of mayor and aldermen, charter amended	471	1064
Hudson park, leasing certain privileges in, charter amended..	264	511
notice to repair sidewalks and curbs, publication of, charter amended	477	1062
receiver of taxes, powers and duties of, charter amended....	469	1059
Niagara Falls, acquisition of, water works system, charter amended	237	468
deficiencies in city funds, payment of certain.....	614	1508
escheat property in, released to Peter H. L. Bradt and James J. Bradt	463	1033
sewer bonds, authorized and legalized, charter amended.....	658	1670
Ogdensburg, bonds for new school buildings authorized.....	463	1033
streets, highways, sidewalks, charter amended.....	245	490
superintendent of water works, appointment of, charter amended	579	1299
	579	1299

Cities except New York—Continued:

	Chap.	Page.
Alean , charter amended generally.....	226	450
Oak Lawn cemetery, acquiring of, for public park.....	376	884
public park in, establishment of, bonds for.....	376	884
Omelida , special elections, charter amended.....	483	1099
Oswego , bond issue for water supply from Lake Ontario, charter amended.....	68	84
certain lands in, appropriated to Oswego hospital.....	653	1663
certain lands in, granted to the order of Sisters of Saint Francis, for hospital purposes.....	654	1663
new armory building in, appropriation for.....	742	2108
raising funds to meet deficit in highway fund.....	465	1036
Robinson Memorial Library established.....	600	1483
Plattsburgh , charter amended.....	362	817
commissioner of charities, salary of, charter amended.....	484	1101
Poughkeepsie , city court, judge of, clerk of.....	322	595
officers of, duties, powers, charter amended.....	652	1650
Rensselaer , fire house, bond issue for.....	580	1305
street pavements, additional bond issue for.....	680	1305
Rochester , assessment for construction of bridge over railroad tracks on Bronson avenue.....	645	1617
authorized to acquire and convey certain real property for fire department, etc.....	542	1221
boundaries extended, village of Brighton annexed to.....	134	210
bridge over railroad tracks on Main street east, assessment for construction of.....	676	1722
charter amended generally.....	686	1820
children's court established, charter amended.....	543	1222
claim against state, court of claims to hear and determine..	585	1468
fire department pension fund.....	541	1215
local improvements, charter amended, § 171.....	223	447
ordinances of, charter amended.....	191	407
police pension fund, act amended.....	540	1208
public market, act amended.....	263	461
school teacher's retirement fund established.....	608	1500
trunk sewer on east side of Genesee river, assessments for, collection of.....	117	177
water funding loan bonds, authorized.....	118	179
Rome , bonds for street improvements authorized.....	13	16
charter revised.....	468	1040
police and fire department fund, charter amended.....	14	17
Schenectady , bonds for purchase of buildings of hospital association.....	230	458
ninth ward boundaries, charter amended.....	578	1298
Syracuse , assessment for local improvement legalized.....	688	1844
assessments for paving certain streets, legalized.....	186	400
certain actions against.....	682	1747
claim against state, for assessments for local improvements, court of claims to hear and determine.....	506	1469
department of finance.....	681	1745
firemen's pension fund.....	683	1749
new armory and stable, erection of, appropriation for.....	743	2110
new high school building in, erection of.....	659	1671
police pension fund.....	683	1749
public safety, department of.....	685	1796
public works, department of.....	684	1761
ward boundaries, charter amended, § 4.....	185	392
Tonawanda , charter revised.....	367	704
Troy , board of estimate and apportionment to hear and determine claims of certain school janitors.....	592	1326
firemen's pension fund, establishment of.....	488	1114
municipal improvements commission, act repealed.....	351	635
payment of floating indebtedness and fund deficiencies, bonds for.....	180	200

Cities except New York—Continued:

Troy—Continued:		Chap.	Page
Prospect park improvement, bonds for.....		350	625
public improvements in, provision for.....		350	625
waterworks, bonds for.....		350	625
Utica, bonds for changing channel of the Mohawk river at, authorized		81	106
drainage system, extension of, bonds for.....		480	1094
treasurer, may appoint a bookkeeper.....		301	571
Watertown, authorized to borrow money for current municipal expenses		466	1067
board of education, money to be raised for use of, charter amended		496	1111
certificates of indebtedness authorized to issue.....		466	1067
charter amended.....		485	1102
Watervliet, compensation of city officers, organization of common council, charter amended.....		131	208
Yonkers, bond issue for highway purposes authorized.....		294	557
bonds for bridges over water courses, act amended.....		487	1113
common council, powers of, charter amended.....		538	1207
public library, appropriation for, charter amended.....		218	443
Civil or Criminal Liability:			
members of the militia relieved from, military code amended....		310	561
Civil Service Commission:			
chief examiner, salary, expenses, appropriation for.....		699	1907
commissioners salaries, expenses, appropriation for.....		699	1907
employee, salary, 1905, appropriation for.....		700	1961
employees, salaries, appropriation for.....		699	1907
examinations and examiners, expenses of, appropriation for.....		699	1907
examiners and stenographer, traveling expenses, appropriation for.....		699	1907
office expenses, appropriation for.....		699	1908
postage and transportation, appropriation for.....		699	1908
secretary, salary, expenses, appropriation for.....		699	1907
Claims, Court of:			
Auburn city, to hear, audit and determine claim of.....		504	1467
Booth, John N., to hear, audit and determine claim of.....		565	1257
clerk, salary, appropriation for.....		699	1877
contingent fund, appropriation for.....		699	1877
deputy clerk, salary, appropriation for.....		699	1877
duty of Attorney-General and Superintendent of Public Works, code of civil procedure amended.....		370	851
employees, salaries, appropriation for.....		699	1877
judges, salaries and expenses, appropriation for.....		699	1877
judgments of, in canal cases, appropriation for.....		707	2008
judgments of, in claims on account of counties.....		708	2008
judgments of, in favor of county against the state, assignment of, to State Comptroller.....		244	479
judgments of, other than canal claims, appropriation for.....		706	2007
jurisdiction of code of civil procedure amended, § 264.....		370	851
O'Connor, Michael E., to hear, audit and determine claim of....		565	1257
Rochester city, to hear, audit and determine claim of, for assessments for local improvements.....		595	1468
stenographer, salary, appropriation for.....		699	1877
Syracuse, to hear, audit and determine claim of, for assessments for local improvements.....		596	1469
Clark, James:			
claim of, against city of New York.....		748	2118
Clark, Thomas:			
claim of, against city of New York.....		748	2118
Clifford, Joseph F.:			
claim of, against city of New York.....		748	2118

INDEX.

47

Clinton House at Poughkeepsie:	Chap.	Page.
care and improvement, appropriation for.....	700	1980
Clinton Prison:		
assistant physician, salary, appropriation for.....	700	1968
laundry, concrete floor in, appropriation for.....	700	1969
repairs and improvements, appropriation for.....	704	2003
Clinton, town:		
lot 55, application of John Ruffrange, for redemption of portion of, comptroller to hear and determine.....	607	1499
Clinton, village:		
special election confirmed, electric light system, bond issue authorized	57	69
Coast and Geodetic Survey:		
United States, operations of, in the state of New York.....	380	893
Code of Civil Procedure amended:		
actions for partition, parties to, § 1538.....	662	1684
answer, contents of, § 500.....	431	965
bail, children may be released upon personal recognizance of parent or guardian, § 554, sub. 4.....	656	1608
Broome county, jail liberties in, § 145.....	439	972
complaint, contents of, § 481.....	431	965
constables and deputy sheriffs, fees of, in Ontario county, § 3312.	304	573
Court of Claims, duty of Attorney-General and Superintendent of Public Works, § 270.....	370	851
Court of Claims, jurisdiction of, § 264.....	370	851
disposition of real estate of decedents for payment of debts, § 2800.....	430	964
Erie county, court officers and attendants in county and surro- gate's courts.....	93	130
executors or administrators, commissions of, § 2730.....	328	604
exemptions and executions, relative to, § 1391.....	175	370
graduates of law schools, relative to, § 58.....	195	414
jail liberties, county of Broome, § 145.....	439	972
jurors, excusing, § 1086.....	44	51
exemption of, §§ 1080, 1081, 1127.....	437	971
justices of the peace, transcripts of judgments of, issuing by town clerks, § 3146.....	436	970
lien of judgments, § 1251.....	432	966
matrimonial actions, judgments in, § 1774.....	537	1205
nurses, not to disclose professional information, § 834.....	331	606
papers recorded, et cetera, authentication of, § 2704.....	347	622
partition of real property of incompetents, §§ 1590, 2349.....	434	968
pendency of action, notices of, filing and cancellation of, § 1671...	60	71
personal property, succession to, § 2732, sub. 12.....	539	1208
physicians, not to disclose professional information, § 834.....	331	606
referee, qualification of, § 1024.....	435	969
reply, contents of, § 514.....	431	965
service of certain notices upon heirs, § 2388, sub. 4.....	433	967
stenographers in county courts, salary of, § 361.....	188	403
stenographers in surrogates' courts in certain counties, appoint- ment and compensation, § 2513.....	570	1265
summons, service of, upon telegraph companies, § 2881.....	211	433
Supreme Court reporter, appointment, duties and salary of, §§ 244-250	164	353
Supreme Court stenographers in Kings county, § 254.....	616	1510
wills, foreign, etc., authentication of, § 2704.....	347	622
probate of, § 2615.....	433	972
witnesses to wills, examination of, § 2510.....	615	1509

Code of Criminal Procedure amended:	Chap.	Page.
bastards, support of, § 840.....	327	603
false alarms of fire, tampering with fire alarm telegraph system, special sessions, jurisdiction, § 56, sub. 16.....	279	530
grand jury, who may be present during sessions, § 264.....	236	546
magistrate to return statement to district attorney in certain counties, § 221.....	267	518
probation officers, appointment of, § 11-a, sub. 1.....	656	1666
suspension of sentence, § 483.....	656	1667
Cohoes, city:		
clerk, salary and duties of.....	47	55
commissioners of deeds in, charter amended, § 49.....	367	826
local improvements, charter amended.....	575	1274
westerly boundary line, changing of, expense of, charter amended.	54	65
Cold Spring, town:		
maintenance of indigent Indians, appropriation for.....	700	1961
College of Dental and Oral Surgery of New York:		
created by consolidation of New York College of Dental Surgery with New York Dental School, powers of, trustees of.....	78	101
College Point, village:		
Conrad Poppenhuisen Association at, act amended relative to terms of board of control and annual report.....	323	597
Collier, De Witt M.:		
building inspector, salary, appropriation for.....	700	1960
Collins, Edward:		
claim of, against city of New York.....	748	2118
Collins, James:		
claim of, against city of New York.....	748	2118
Colonial Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Colonie, town:		
highway on western boundary of Cohoes, maintenance of.....	55	67
Columbia county:		
deer, close season for, game law amended.....	315	536
Columbia County Society for the Prevention of Cruelty to Children:		
consolidated with the Mohawk and Hudson River Humane Society and the Saratoga Society for the Prevention of Cruelty to Children.....	79	108
Coman, Henry B.:		
services as counsel in Warren B. Hooker investigation, appropri- ation for.....	701	1964
Commission of Gas and Electricity:		
establishment and appointment of, powers of.....	737	2082
Commissioner of Elections:		
Erle county, duties of, act amended.....	229	455
election law amended.....	643	1577
Commissioner of Jurors:		
compensation of, in certain counties.....	386	903
duties of, act amended.....	392	913
Oneida county, act amended.....	510	1168
See Jurors.		
Commissioners of deeds:		
Good, William H., acts of, legalized.....	555	1233
Mollison, Ada R., acts of, legalized.....	696	1861

INDEX.

49

	Chap.	Page.
Commissioners of the almshouse of the city and town of Newburgh: name changed to commissioners of the Home of the City and Town of Newburgh.....	467	1038
Commissioners of the Canal Fund: deposit of canal fund, contracts for interest on, state finance law amended, § 62.....	372	877
Commissioners of the home of the city and town of Newburgh: name changed from commissioners of the Almshouse of the City and Town of Newburgh.....	467	1038
Commissioners of the Land Office: see land office.....	240	473
Commissioners of the Palisades Interstate Park: appropriation for.....	700	1981
Common school fund: appropriation for.....	699	1898
Complaint: contents of, code of civil procedure amended, § 481.....	431	965
Comptroller: Adirondack park bonds, interest on, appropriation for..... certificate No. 10, redemption of, appropriation for..... advances to clerks of senate and assembly, appropriation for.... annual report of financial condition of counties, cities and villages to..... annual report of, state finance law amended..... assignment to, of judgments against the state in favor of counties..... assessments against state property, investigation of, appropriation of..... payment of, appropriation for..... authorized to hear and determine application of William H. Faxon, for cancellation of certain tax sales..... authorized to readjust accounts of certain trust companies for taxes paid..... Blanchard, Hiram, judgment of, payment of, appropriation for.. canal affairs, bureau of, expenses, appropriation for..... bureau of, salaries, appropriation for..... chief accountant and examiners of accounts, appointment of, salary of..... corporation tax bureau, New York office, rent of, appropriation for..... printing and other expenses, appropriation for..... salaries, appropriation for..... temporary services, appropriation for..... county roads, maintenance, appropriation for..... county treasurer's accounts, examination of, appropriation for... county treasurers, advances to, deficiency, appropriation for... deputies, salaries, appropriation for..... examination of accounts of counties, cities and villages by, appropriation for..... examiner of running associations, appropriation for..... examiner of trotting associations, appropriation for..... expenses of comptroller and deputies, appropriation for..... finance bureau, salaries, appropriation for..... Grant cottage, repairs, appropriation for.....	700 700 700 705 504 244 700 700 623 756 700 699 699 705 699 699 700 700 699 700 699 705 700 700 699 699 700	1951 1951 1947 2005 1162 479 1953 1952 1521 2127 1950 1882 1881 2006 1880 1880 1880 1952 1952 1881 1950 1879 2007 1951 1951 1881 1879 1949

	Chap.	Page.
Comptroller—Continued:		
highway taxes, repayment of to towns, appropriation for.....	700	1952
judgments against state, payment of, appropriation for.....	700	1950
judgments for costs against state, payment of, appropriation for.	700	1950
land bureau, salaries, appropriation for.....	699	1879
land titles, protection of, appropriation for.....	699	1881
Latham, Charles S., application of, for cancellation of tax sales, to be heard and determined by.....	95	133
loan mortgage No. 223, foreclosure of, costs of, appropriation for..	700	1950
messengers and other service, appropriation for.....	699	1881
mezzanine floors, furniture, etc., appropriation for.....	701	1985
office expenses, appropriation for.....	699	1881
plans and specifications for the state charitable institutions, to be approved by.....	703	2001
postage and transportation, appropriation for.....	699	1881
private detectives act, enforcement of, appropriation for.....	700	1951
private secretary, appropriation for.....	699	1879
racing associations, examination of, appropriation for.....	700	1951
recopying records, binding, etc., appropriation for.....	700	1952
Ruffrage, John, application of, for redemption of certain land, to be heard by.....	607	1499
tax investigations, counsel and experts, appropriation for.....	700	1949
transfer tax bureau, salaries, appropriation for.....	699	1880
transfer tax bureau, temporary services, appropriation for.....	700	1952
Saratoga monument, maintenance, appropriation for.....	700	1949
salary, appropriation for.....	699	1879
site for state hospital for the insane, appropriation for.....	701	1985
state tax sales, expenses of conducting, appropriation for.....	700	1952
stock transfer tax law, enforcement of, appropriation for.....	701	1985
surrogates' fees, appropriation for.....	700	1951
Compulsory education law amended:		
attendance officers, powers and duties of, title 16, § 8.....	311	582
Concurrent resolutions:		
debts of the state.....	...	2139
improvement of highways.....	...	2138
supreme court, appellate division, justices of.....	...	2141
publication of, in 1904, balance due for, appropriation for.....	19	22
Conditional sales:		
contracts of, exemption of certain articles from, lien law amended	503	1162
Condon, John:		
claim of, against city of New York.....	748	2118
Conesus lake:		
fishing through the ice on.....	313	584
Coney Island creek:		
nets, use of, game law amended.....	339	614
Confield, Rudolph:		
payment of, for services as probation officer, New York city, authorized	523	1197
Congregation Chaare Zedek:		
claim of, against New York city, comptroller to examine and pay.	527	1194
Congregation of Hour Jacob:		
New York city, comptroller authorized to annul assessments and taxes against property of.....	521	1186
Consolidated school law amended:		
attendance officers, truant schools, title 16, §§ 7, 9.....	290	531
employment of children, title 16, § 5.....	290	531

INDEX.

51

	Chap.	Page.
Consolidated school law amended—Continued:		
school districts, changing of, § 80, article V, title VIII.....	258	500
withholding state moneys by commissioner of education, title 16, § 10.....	280	531
Constables:		
fees of, in Ontario county, code of civil procedure amended, § 3312.....	304	573
Contempt:		
punishment of, by legislature.....	23	25
Contracts:		
by state charitable institutions, state charities law amended, § 48.....	457	998
conditional sales, exemption of certain articles from, lien law amended	503	1162
reception of certain prisoners in Kings county penitentiary legal- ized	407	943
Conveyances:		
authentication of, outside the state, real property law amended.	329	605
real property, acknowledgment or proof of, real property law amended	450	987
Convicts:		
sentenced to penitentiaries, maintenance, appropriation for.....	699	1925
maintenance, deficiency, appropriation for.....	700	1969
transportation of, by sheriffs, appropriation for.....	699	1925
Conway, Daniel J.:		
claim of, against city of New York.....	748	2118
Cooperative Savings and Loan Associations:		
capital and shares, banking law amended, § 174.....	604	1490
withdrawal of free shares of, banking law amended, § 176.....	757	2129
Cooperstown, village:		
charter amended, §§ 25, 26, title 4.....	141	230
Corinth, town:		
Latham, Charles S., application of, to cancel tax sales.....	95	133
Cornell University:		
interest on college land scrip fund, appropriation for.....	699	1939
promotion of agricultural knowledge, appropriation for.....	699	1939
state college of agriculture, appropriation for.....	700	1982
state veterinary college, appropriation for.....	699	1939
trustees, board of, how constituted.....	97	135
Corning, city:		
Chemung canal, reconstruction of slope wall, appropriation for..	172	365
Hitchcock, George, justice of the peace, official acts of, legalized.	554	1232
Charter revised:		
title I, boundaries and civil divisions.....	142	232
title II, officers, election and qualification, terms.....	142	234
title III, common council, powers and duties.....	142	240
title IV, officers, powers and duties of.....	142	252
title V, taxes and assessments.....	142	261
title VI, police department.....	142	277
title VII, city judge, powers and duties of.....	142	283
title VIII, justice of the peace, powers and duties.....	142	292
title IX, streets and highways.....	142	292
title X, public works, board of.....	142	302
title XI, fire department.....	142	310
Cornwall, town:		
Union free school district No. 5, acts of, bonds for new school- house, legalized.....	77	100

Corporations:	Chap.	Page.
extension of corporate existence, general corporation law amended, § 32.....	256	494
for prevention of cruelty to animals, change of location of office.....	271	522
Corporations, general laws affecting:		
banking law amended, building and mutual loan corporations, § 195-b	673	1704
powers of trust companies, § 156.....	414	951
general corporation law amended, extension of corporate existence, § 32.....	256	494
insurance law amended, casualty insurance corporations, § 86....	113	162
membership corporations law amended, § 7.....	663	1688
article V, § 73.....	271	521
soldiers monument corporations.....	411	947
taxation of lot owners by cemetery corporations, § 52.....	123	184
railroad law amended, §§ 2, 7.....	727	2055
§§ 156, 169, 170.....	728	2057
religious corporations law amended, removal of remains from cemeteries and church grounds, § 8.....	324	599
stock corporation law amended, § 21.....	750	2121
stock corporation law amended, § 32.....	751	2122
stock corporation law amended, § 51.....	35	39
stock corporation law amended, annual reports of corporations, § 30.....	415	951
stock corporation law amended, change of place of business, § 59.....	489	1119
transportation corporations law amended, water works corporations, § 82, subd. 2.....	210	432
Corporations, miscellaneous:		
Albany City Homeopathic Hospital, power to take and hold property enlarged.....	308	590
Aurelia Osborn Fox, Memorial Hospital Society of Oneonta, appointment for.....	103	144
Broadway Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
Brooklyn Heights Railroad Company, grade crossings, act amended.....	589	1319
grade crossings, act amended.....	635	1557
Brooklyn Union Elevated Railroad Company, grade crossings, act amended.....	589	1319
grade crossings, act amended.....	635	1557
Brown, James M., Post Memorial Hall Association, name changed, disposition of property.....	379	892
Brown, James M., Post No. 285, incorporation of.....	379	892
Buffalo, Gardenville and Ebenezer Railway, extension of time for completion of.....	2	3
Buffalo Southern Railway Company, extension of time for completion of.....	2	3
Central Realty Bond and Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
Central Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
Church Building Trust Association of New York, authorized to maintain a second place of worship.....	215	438
College of Dental and Oral Surgery of New York, creation of, powers of, trustees of.....	78	101
Colonial Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
Columbia County Society for the Prevention of Cruelty to Children consolidated with the Mohawk and Hudson River Humane Society and the Saratoga Society for the Prevention of Cruelty to Children	79	103
commissioners of the Almshouse of the City and Town of Newburgh, name changed to commissioners of the Home of the City and Town of Newburgh.....	467	1038

Corporations, miscellaneous—Continued:

	Chap.	Page
commissioners of the Home of the City and Town of Newburgh, name changed from commissioners of the Almshouse of the City and Town of Newburgh.....	467	1038
Congregation Chaare Zedek, claim of, against New York city, comptroller to examine and pay.....	527	1194
Delaware, Lackawanna and Western Railroad Company, conveyance to, of part of Liberty street, in city of Buffalo.....	547	1228
De Veaux College for Orphan and Destitute Children, act of incorporation amended.....	383	897
Eastern Bermudez Asphalt Paving Company, claim of, against city of New York, payment of.....	156	344
gas and electric, control and supervision of.....	737	2092
General Memorial Hospital for the Treatment of Cancer and Allied Diseases, managers of, quorum of.....	124	186
Guaranty Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Hebrew Benevolent and Orphan Asylum Society of the city of New York, cancellation of assessments against certain property of.....	190	417
Hellenic Eastern Orthodox Christian Church of New York, incorporation of.....	749	2120
Helping Hand Hospital Association of Peekskill, appropriation for, by town of Cortlandt.....	263	510
Home for the Friendless at Lockport, new name assumed.....	387	905
Kensico cemetery, acquisition of land for, authorized.....	354	646
Kings County Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Knickerbocker Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Lockport Home for the Friendless, name changed to Home for the Friendless at Lockport.....	387	905
Long Island Loan and Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Long Island Railroad Company, grade crossings, act amended...	589	1319
Long Island Railroad Company, grade crossings on, act amended. managers of House of Refuge for Juvenile Delinquents in New York city, name changed.....	613	1507
managers of the Society for the Reformation of Juvenile Delinquents in the city of New York, new name assumed.....	613	1507
Manufacturers' Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
McVicker Realty Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Medical College Laboratory of the City of New York, authorized to convey property.....	28	30
Merchants' Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Mohawk and Hudson River Humane Society consolidated with the Saratoga Society for the Prevention of Cruelty to Children and the Columbia County Society for the Prevention of Cruelty to Children.....	79	103
Nassau Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
National Surety Company, New York city, Comptroller authorized to examine and allow claim of.....	514	1174
New York Building and Improvement Company, act of incorporation amended.....	739	2101
New York, Brooklyn and Manhattan Beach Railway Company, grade crossings, act amended.....	589	1319
New York, Brooklyn and Manhattan Beach Railway Company grade crossings, act amended.....	635	1557
New York Central and Hudson River Railroad Company, discontinuing grade crossings in city of New York.....	634	1556
grant of land to, by city of New York.....	584	1312

Corporations, miscellaneous—Continued:

	Chap.	Page.
New York College of Dental Surgery consolidated with New York Dental School, name changed.....	78	101
New York Connecting Railroad Company, time to complete road extended	690	1855
time to construct bridge across the East river extended.....	691	1856
New York Dental School consolidated with New York College of Dental Surgery, name changed.....	78	101
New York, Lackawanna and Western Railway Company, conveyance to, of part of Liberty street, city of Buffalo.....	547	1228
New York Security and Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
New York State Convention of Universalists, authorized to convey real estate in Bronx borough, New York city.....	302	572
transfers of real estate by.....	48	56
North American Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Phipps houses, incorporation of.....	269	520
Post James M. Brown Memorial Hall Association, name changed, disposition of property.....	379	892
Poughkeepsie Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
rectors, wardens and vestry of St. John's church of Canandaigua, endowment fund created.....	189	228
River Bridge Company, extension of charter.....	353	645
Roosevelt Hospital, additional trustees, filling vacancies.....	375	883
St. John's church of Canandaigua, endowment fund created.....	139	228
Salamanca Trust Company, Comptroller to readjust accounts of, for taxes paid.....	756	2127
Saratoga Society for the Prevention of Cruelty to Children, consolidated with the Mohawk and Hudson River Humane Society and the Columbia County Society for the Prevention of Cruelty to Children	79	103
Schoharie and Schenectady Counties Farmers' Mutual Fire Insurance Association, charter amended.....	75	94
Spuyten Duyvil and Port Morris Railroad Company, grant of lands to, by city of New York.....	584	1312
Standard Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
State Street Presbyterian Church of the city of Schenectady, change of name.....	53	64
Staten Island Association of Arts and Sciences, incorporation of.....	526	1190
Suffolk County Mutual Insurance Company, charter extended..	62	74
superintendents of the poor of the town of Oswegatchie, incorporation of.....	170	362
Third Franciscan Order, Minor Conventuals, incorporation of...	752	2123
Thousand Island Park Association, trustees authorized to construct and repair sidewalks.....	395	899
Title Guarantee and Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
Trust Company of America, comptroller to readjust accounts of, for taxes paid.....	756	2127
Trustees of the Eastern Star Hall and Home of the State of New York, incorporation of.....	159	348
Union Theological Seminary in the City of New York, charter amended as to amount of personal property held by.....	71	90
United States Mortgage and Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
Washington Trust Company, comptroller to readjust accounts of, for taxes paid.....	756	2127
Watertown and Carthage Traction Company, time to complete road extended.....	307	579
White Plains Hospital Association, appropriation for, by town board	115	167

INDEX.

55

Corporations, miscellaneous—Continued:	Chap.	Page.
Wright, J. Hood, Hospital, cancellation of assessments against property of.....	198	417
Young Men's Christian Association of the City of Schenectady, act of incorporation amended.....	150	331
Cortland, city:		
actions against, limitation of, charter amended, § 240.....	481	1006
charter amended, §§ 36, 66, 76.....	262	505
Cortlandt, town:		
supervisor to invest moneys received from New York city for lands, etc., taken for water supply.....	396	925
town board authorized to appropriate money for Helping Hand Hospital Association of Peekskill.....	263	510
Costs:		
security for, award of, military code amended.....	310	561
Costs and disbursements:		
tax law amended relative to, in certiorari proceedings.....	281	536
Counties:		
annual report of financial condition to state comptroller.....	705	2005
judgments in favor of, by court of claims, appropriation for....	708	2009
County auditor:		
Erie county, appointment of clerks by, act amended.....	225	449
County clerks:		
Herkimer county, special deputies, acts of certain, legalized....	551	1230
special deputies, power and authority of.....	412	949
Livingston county, appointment of clerks in office of, salaries... reports of, to state commissioner of excise, liquor tax law amended	52	63
Westchester county, to publish statements of canvass and election notice.....	680	1731
	137	228
County courts:		
Erie county, court officers and attendants, code of civil procedure amended, § 97.....	93	130
Monroe county, attendants, salary of.....	620	1518
Stenographers in, salary of, code of civil procedure amended, § 361.....	188	403
County detective:		
Rensselaer county, appointment of, term of, compensation of... ..	140	229
County judges:		
Broome county, salary of, county law amended.....	666	1692
Dutchess county, salary of, county law amended.....	190	351
Niagara county, salary and compensation of.....	410	945
County law amended:		
assignment of judgments obtained in court of claims by county against the state, § 12, sub. 19.....	244	479
Broome county, salary of county judge and surrogate, § 222, sub. 3.....	666	1692
deputy county treasurers in certain counties, § 140-a.....	276	527
designation of newspapers to publish session laws, § 19.....	496	1156
Dutchess county, salaries of county judge and surrogate of....	190	351
supervisors in Niagara county, compensation of.....	20	22
tax on dogs, power of supervisors to impose, § 110.....	261	504
County tax sales:		
notices to redeem, expense of publishing, tax law amended.....	278	529

County treasurers:	Chap.	Page.
advances to, on account of taxes, appropriation for.....	699	1939
on account of taxes, appropriation for.....	700	1950
deputy, in certain counties, appointment of, county law amended.	276	527
examination of accounts of, appropriation for.....	699	1881
Onondaga county, unpaid taxes, time of filing statement of, by...	253	490
Rensselaer county, deputy, appointment of.....	166	358
report of financial condition of county to State Comptroller.....	705	2005
Yates county, authorized to sell land for unpaid taxes.....	106	148

Court funds:

investment of in the counties of New York, Kings, Queens and Richmond	282	537
---	-----	-----

Court of Appeals:

Andrews, Charles, compensation, appropriation for.....	700	1944
chief judge, authorized to appoint confidential clerk, salary of....	247	483
confidential clerk, salary of, appropriation for.....	699	1873
clerk, employees, salaries of, appropriation for.....	699	1872
office expenses, appropriation for.....	699	1873
postage and transportation, appropriation for.....	699	1873
salary, appropriation for.....	699	1872
confidential clerk, appointment of, by chief judge, salary of.....	247	483
deputy clerk, salary, appropriation for.....	699	1872
judges, clerks of, compensation of, appropriation for.....	699	1872
salaries and expenses, appropriation for.....	699	1872
law clerk, appointment and salary of.....	247	483
crier and attendants, appropriation for.....	699	1873
library, appropriation for.....	699	1873
Syracuse, librarian, appropriation for.....	699	1873
books, appropriation for.....	700	1945
reports of, supplying other states, appropriation for.....	699	1940
rules governing admission of attorneys, amendment of.....	...	2146
state reporter, expenses, appropriation for.....	700	1944
salary, clerk hire, office expenses, appropriation for.....	699	1872

Court of General Sessions of the Peace:

New York county, attendants, salaries of.....	746	2115
---	-----	------

Craig Colony for Epileptics at Sonyea:

agent of, transfer of duties of treasurer to, state charities law amended	459	1003
appropriation for	700	1974
autopsies at, state charities law amended.....	458	1002
dormitories, furnishings, etc., appropriation for.....	700	1977
hospital, repairs and equipment, appropriation for.....	703	2000
maintenance, appropriation for.....	699	1936
reimbursement for maintenance expenses, state charities law amended	459	1003

Cranberry Lake reservoir:

removing dead timber from, appropriation for.....	700	1973
---	-----	------

Cream:

selling imitation of, agricultural law amended.....	602	1487
---	-----	------

Creedmoor rifle range:

improvements and betterments to, appropriation for.....	712	2011
---	-----	------

Crematories:

trust for founding, endowing and maintaining.....	393	921
---	-----	-----

Criminals:

identification of, amount to facilitate increased.....	536	1204
New York city, classification and instruction of, charter amended.	305	574

INDEX.

57

	Chap.	Page
Crooked lake:		
fishing through the ice in, game law amended.....	813	584
Crosby, Peter:		
claim of, against city of New York.....	748	2118
Crosson, John:		
claim of, against city of Troy, hearing and determination of.....	592	1326
Crosswalks:		
village law amended, § 161.....	98	137
Crow:		
destroying or robbing nests of, exception as to, game law amended.	426	961
Crow, blackbird:		
destroying or robbing nests of, exception as to, game law amended.	426	921
Cruelty corporations:		
consolidation of, membership corporations law amended, § 7.....	663	1688
Customers:		
lists of, unlawful taking, copying or use of, penal code amended..	441	975
Dangerous weapons:		
sale and possession of, penal code amended, §§ 409, 410.....	92	129
Dannemora Hospital for Insane Convicts:		
maintenance, appropriation for.....	609	1925
Dannemora State Hospital:		
repairs and improvements, appropriation for.....	704	2003
Dannemora, town:		
Union Free School District No. 1, state lands in, to be taxed for school purposes	563	1255
Dawson, Elizabeth, deceased:		
lands of, in Southampton, released to Ralph A. Dawson.....	201	419
Dawson, Ralph A.:		
release to, of escheat lands in town of Southampton.....	201	419
Deaf and Dumb:		
Albany Home School for the Deaf, appropriation for.....	699	1938
Central New York Institution for the Improved Instruction of Deaf-Mutes, appropriation for.....	699	1937
Institute for the Deaf and Dumb in New York City, appropria- tion for.....	699	1937
Institution for the Improved Instruction of Deaf-Mutes in New York City, appropriation for.....	699	1937
LeConteulx St. Mary's Institution for the Improved Instruction of Deaf-Mutes, appropriation for.....	699	1937
Northern New York Institution for Deaf-Mutes at Malone, appropria- tion for.....	699	1937
St. Joseph's Institution for the Improved Instruction of Deaf- Mutes, Fordham, appropriation for.....	699	1938
Western New York Institution at Rochester for the Improved Instruction of Deaf-Mutes, appropriation for.....	699	1938
Debts:		
secured by mortgages, taxation of, tax law amended.....	729	2059
Decedents:		
real estate of, disposition of, for payment of debts, code civil procedure amended, § 2800.....	430	964
Deeds:		
affecting title to real estate, record of certain, validated.....	377	890

	Chap.	Page
Deer:		
close season for in counties of Columbia, Delaware, Dutchess, Greene, Oswego, Putnam, Rensselaer, Rockland, Westchester, Ulster, Oneida, Lewis, Jefferson, Sullivan and Orange, game law amended.....	315	586
penalty for taking, game law amended, § 16.....	319	587
Deerfield, town:		
completing the changing of the channel of the Mohawk river at...	81	106
De Grasse river:		
bridge across, bond issue for.....	397	926
Delaware county:		
deer, close season for, game law amended.....	315	586
Delaware, Lackawanna and Western Railroad Company:		
Buffalo, Liberty street, part of, to be conveyed to.....	547	1228
Delaware river:		
toll bridges across, between New York and Pennsylvania, superintendent of public works to report as to acquisition of.....	275	526
Denniston, E. A., Company:		
reimbursement of, appropriation for.....	700	1982
Depositories of state moneys:		
state finance law amended, § 62.....	372	876
Deposits:		
savings banks, how invested, banking law amended.....	401	930
Despeyroux, Julianne:		
escheat property of Bartholomew Dupuy and others, New York city, released to.....	250	487
De Veaux College for Orphan and Destitute Children:		
act of incorporation amended.....	383	897
Dewey day:		
military parades on, military code amended.....	604	1858
Dimond, M. A.:		
claim of, against city of New York, payment of.....	157	346
Disorderly houses:		
keeping, etc., penal code amended, § 322.....	270	521
District attorneys:		
Fulton county, assistant, appointment of.....	43	50
return of statement, etc., to, by magistrates.....	267	518
Division engineers:		
canal law amended relative to.....	309	581
Dogfish:		
spearing and hooking in certain waters, game law amended....	343	617
Dogs:		
tax on, power of supervisors to impose, county law amended....	261	504
Domestic relations law amended:		
marriages, solemnization of, § 11, subd. 1.....	499	1159
married women, rights of action for wages, etc., § 30.....	495	1155
Douglas, Courtney C.:		
release to, of escheat property in New York city.....	33	36

INDEX.

59

	Chap.	Page.
Douglas, Ida P., deceased:		
escheat property of, in New York city, released to Courtney C. Douglas	33	36
Drainage law amended:		
water commissioners, new assessments of, § 29.....	325	600
Druggist:		
omitting to label drugs, or labeling them wrongly, penal code amended	442	977
Duffy, Stephen:		
claim of, against city of Troy, hearing and determination of.....	502	1326
Dunn, Michael:		
claim of, against city of New York.....	748	2118
Dupuy, Raoul:		
escheat property of Bartholomew Dupuy and others New York city, released to.....	250	487
Dutchess county:		
county judge, salary of, county law amended.....	160	351
deer, close season for, game law amended.....	315	586
Northeast, fishing through the ice in town of, game law, amended.	313	584
squirrels, close season, game law amended.....	316	587
surrogate, salary of, county law amended.....	160	351
woodcock and grouse, close season, game law amended.....	317	587
Eagan, James:		
claim of, against city of New York.....	748	2118
Eagan, John:		
claim of, against city of New York.....	748	2118
East Avenue Presbyterian Church of the City of Schenectady:		
name changed to The State Street Presbyterian Church of the City of Schenectady.....	53	64
new name assumed.....	53	64
East river:		
bridge across, time of New York Connecting Railroad Company to construct, extended.....	601	1856
Eastern Bermudez Asphalt Paving Company:		
claim of, against city of New York, payment of.....	156	344
Eastern New York Reformatory:		
buildings, repairs and improvements, appropriation for.....	704	2003
maintenance, appropriation for.....	699	1924
purchase of land, appropriation for.....	700	1968
transferring prisoners, appropriation for.....	700	1969
window guards on mess hall, appropriation for.....	700	1969
Education, Department of:		
academies, appropriation for.....	699	1896
accounts division, salaries, appropriation for.....	699	1887
assistant commissioners, salaries, appropriation for.....	699	1887
certified public accountant examinations, appropriation for.....	700	1959
cities, academic fund, appropriation for.....	699	1896
commissioner, salary and expenses, appropriation for.....	699	1886
commissioner's office, employees, salaries, appropriation for.....	699	1887
common school fund, appropriation for.....	699	1898
common schools, appropriation for.....	699	1893
compulsory attendance division, salaries, appropriation for.....	699	1887
dental examinations, appropriation for.....	700	1959
elevator men, porters, laborers, cleaners, appropriation for.....	699	1892
examinations division, salaries, appropriation for.....	699	1888

Education, Department of—Continued:

	Chap.	Page.
Farmers' institutes, lecturers and instructors, appropriation for..	699	1894
furniture, supplies, office fixtures, appropriation for.....	699	1892
Indian education in normal schools, appropriation for.....	699	1894
Indian schools, maintenance, appropriation for.....	699	1894
repairs and improvements, appropriation for.....	700	1957
Indian truants, transportation and maintenance, appropriation for	700	1957
inspections division, salaries, appropriation for.....	699	1898
law division, salaries, appropriation for.....	699	1899
libraries division, books for the blind of the state, appropriation for	699	1890
books, serials, binding, appropriation for.....	699	1890
free libraries, appropriation for.....	699	1890
home education department, traveling books and pictures, appropriation for.....	699	1890
salaries, appropriation for.....	699	1899
state medical library, books, serials, binding, appropriation for	699	1890
traveling library for state charitable institutions, appropria- tion for	700	1958
literature fund, appropriation for.....	699	1898
medical examinations, appropriation for.....	700	1958
normal schools, Fredonia, astronomical observatory at, appro- priation for	700	1958
Fredonia, scientific collections, purchase of, appropriation for.	700	1958
maintenance, appropriation for.....	699	1894
repairs, equipment, etc., appropriation for.....	700	1957
training schools, lighting and heating, appropriation for.....	700	1958
nurses' examinations, appropriation for.....	700	1959
office expenses, care of rooms, appropriation for.....	699	1892
printing, appropriation for.....	699	1891
printing department bulletins, appropriation for.....	701	1955
postage and transportation, appropriation for.....	699	1891
public school libraries, appropriation for.....	699	1896
records division, salaries, appropriation for.....	699	1899
rent of malthouse for storage, appropriation for.....	699	1892
school commissioners, appropriation for.....	699	1893
science division, director and assistants, expenses, appropriation for	699	1891
employees, salaries, appropriation for.....	699	1890
field operations of directors and assistants, appropriation for.	700	1958
state botanist, salary, appropriation for.....	699	1890
state entomologist, salary, appropriation for.....	699	1890
state geologist and paleontologist, salary, appropriation for.	699	1890
temporary services, appropriation for.....	699	1891
secretary to commissioner, salary, appropriation for.....	699	1887
state library, shelving in, appropriation for.....	699	1892
statistics division, salaries, appropriation for.....	699	1899
teachers' institutes, Chautauqua, appropriation for.....	699	1893
Cliff Haven, appropriation for.....	699	1893
maintenance, salaries, appropriation for.....	699	1893
Thousand Island Park, appropriation for.....	699	1893
teachers, training of, appropriation for.....	699	1893
teachers' training schools, maintenance, deficiency, appropriation for	700	1957
temporary services, appropriation for.....	699	1891
traveling expenses, appropriation for.....	699	1891
union school districts, academic fund, appropriation for.....	699	1896
United States deposit fund, appropriation for.....	699	1896
university convocation, special lecturers at, appropriation for...	700	1958
veterinary examinations, appropriation for.....	700	1959
visual instruction, appropriation for.....	699	1892
withholding state moneys by commissioner of education.....	280	531

INDEX.

61

	Chap.	Page.
Education fund:		
state finance law amended, § 80.....	587	1316
Educational institutions:		
trusts for endowing, founding and maintaining, act amended...	393	921
Fels:		
fishing for, in Jamaica bay and adjacent waters, game law amended	337	612
fishing through the ice for, in certain waters, game law amended.	313	584
spearing and hooking, in certain waters, game law amended....	343	617
Election districts:		
Canton town, town board authorized to increase number of.....	37	41
Election law amended:		
adding and erasing names on register, § 31.....	675	1714
commissioner of elections of Erie county.....	643	1577
delivery and filing of papers relating to the election, § 113, sub. 1.	165	357
election districts, creation, division and alteration of, § 8.....	675	1714
meetings for registration, § 30.....	675	1714
nominations, vacancies in, filling of, § 66, sub. 1.....	49	58
production of naturalization papers, § 34, sub. 8.....	675	1714
where personal registration is required, § 32, sub. 1.....	675	1714
Elections:		
custodian of primary records, keeping of certain papers by, primary election law amended, § 8, sub. 3.....	207	428
Erie county, commissioner of, duties of, act amended.....	229	456
commissioner of, election law amended.....	643	1577
in counties having certain population, conduct of.....	260	502
village, village law amended.....	290	552
Elections, State Superintendent of:		
appointment of, powers and duties, act amended.....	689	1846
salary of	689	1854
chief deputy and assistants, appointment of, powers.....	689	1847
salaries of.....	689	1854
chief deputy, salary, appropriation for.....	690	1908
deputies, appointment, terms, etc.....	689	1847
removal of.....	689	1854
salaries of.....	689	1854
salaries, appropriation for.....	355	647
deputies and clerks, salaries, appropriation for.....	690	1908
salary, appropriation for.....	690	1908
secretary, salary, appropriation for.....	355	647
office expenses, appropriation for.....	355	647
office expenses, appropriation for.....	690	1908
report to the Governor, rules.....	689	1855
Elective franchises:		
crimes against, penal code amended.....	625	1523
Electoral College:		
expenses of, appropriation for.....	700	1948
Electors:		
enrollment of, in certain election districts in borough of Queens...	10	12
Electricity:		
commission of gas and electricity, establishment and appointment of	737	2092
corporations, control and supervision of.....	737	2092
furnished to consumers in the city of New York, price of.....	732	2097
furnished to the city of New York, price of.....	733	2098
New York city may utilize water supply for generating electric current	734	2099

	Chap.	Page.
Electric railroads:		
in Albany and Rensselaer cities, transfer tickets thereon, issue of.	358	813
Elk:		
penalty for taking, game law amended, § 16.....	319	589
Elko, town:		
maintenance of indigent Indians, appropriation for.....	700	1981
Ellenville, village:		
bond issue for dyke along Beerkill creek.....	216	438
Elmira, city:		
assessors and assessments, charter amended.....	576	1293
Badger creek, common council authorized to change course of....	577	1297
bridge over Chemung river at Lake street, construction or repair of, bonds for.....	476	1080
claims for damages arising from defective streets, sidewalks, etc., charter amended, § 230.....	238	470
commissioners of cemeteries, relative to, charter amended, §§ 208, 209	239	471
police force, charter amended, § 188.....	184	391
Supreme Court library at, librarian, salary of.....	119	179
Elmira Reformatory:		
See New York State Reformatory at Elmira.		
Embalming:		
practice of, licenses for, act amended.....	572	1267
Employees:		
corrupt influencing of, penal code amended, § 384-r.....	136	225
Employment certificates, how issued:		
labor law, amended.....	518	1179
English sparrow:		
destroying or robbing nests of, exception as to, game law amended.	426	961
Enrollments:		
special, in cities of second class, abolished, primary election law amended	674	1706
Entomologist, State:		
salary, appropriation for.....	699	1890
Enumeration of inhabitants of state:		
appropriation for	83	117
provision for	83	110
items of enumeration, filing of election district boundaries, act amended, §§ 3, 10.....	144	319
Equipments:		
for National Guard and Naval Militia, military code amended....	617	1511
Erie canal:		
cleaning state ditches along, appropriation for.....	700	1971
improvement of, appropriation for.....	143	319
locks and channel, improvement of.....	740	2102
unexpended balance in enlargement fund transferred to canal debt sinking fund.....	722	2022
Erie county:		
Buffalo and Whites Corners plank road, railroads not to operate upon	222	447
commissioner of elections, duties of, act amended.....	229	455
election law amended.....	643	1577

	Chap.	Page.
Erie county—Continued:		
county and surrogate's courts, court officers and attendants, code of civil procedure amended, § 97.....	93	130
county auditor, appointment of clerks by, act amended.....	225	449
hares and rabbits, close season, game law amended.....	422	958
medical examiner of, relative to, act amended.....	151	334
Escheated lands:		
releases of, by commissioners of the land office, public lands law amended	360	815
Escheats:		
Barrett, Florence W., release to, of lands in city of Buffalo.....	135	224
Basso, Alexandre, property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Basso, Marie Pauline, property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Bazian, Marie, property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Booth, Charles, deceased, property of, in New York city, released to beneficiaries under will.....	349	624
Bradt, James J., release to, of lands in city of Niagara Falls.....	658	1670
Bradt, Peter H. L., release to, of lands in the city of Niagara Falls	658	1670
Dawson, Elizabeth, deceased, lands of, in Southampton, released to Ralph A. Dawson.....	201	419
Dawson, Ralph A., release to, of lands in town of Southampton...	201	419
Despeyroux, Julianne, property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Douglas, Courtney C., release to, of lands in New York city.....	33	36
Douglas, Ida P., deceased, property of, in New York city, released to Courtney C. Douglas.....	33	36
Dupuy, Raoul, property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Forrest, James, deceased, property of, in Bronx borough, New York city, released to Lydia A. Spencer.....	597	1470
Guthorn, Joseph S., release to, of lands in borough of Manhattan, New York city.....	200	418
Lamarque, Joseph Despeyroux, property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Miller, Mary J., release to, of lands in city of Rochester.....	344	618
Miller, Walter, release to, of lands in city of Rochester.....	344	618
Paris, Joseph Despeyroux, property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Schweblus, Annie, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Schweblus, Philip, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Schwendeman, Andreas, heirs-at-law of, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Schwendeman, Andrew, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Schwendeman, August, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Schwendeman, Caroline, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Schwendeman, Christina Susana, property of Frederick Pausa, deceased, New York city, released to.....	634	463
Schwendeman, Louis, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Schwendeman, Philip, property of Frederick Pausa, deceased, New York city, released to.....	234	463
Spencer, Lydia A., property of James Forrest, in Bronx borough, New York city, released to.....	597	1470

	Chap.	Page
Escheats—Continued:		
Walters, Louisa, property of William Walters, deceased, in town of North Castle, released to.....	227	453
Walters, William, deceased, property of, in town of North Castle, released to Louisa Walters.....	227	453
Essex county:		
lot No. 104, township 26, Totten and Crossfields purchase, application for cancellation of tax sales on, comptroller to hear.....	623	1521
supervisors, acts of, relative to Schroon bridge bonds, legalized...	189	406
Estimates:		
by state charitable institutions, state charities law amended, § 48.	457	998
Evers, William H.:		
claim of, against city of Troy, hearing and determination of.....	592	1326
Excise, Department of:		
Albany office, clerical help, appropriation for.....	699	1910
books, blanks and printing, appropriation for.....	699	1909
borough of Brooklyn, confidential clerk, salary, appropriation for.	701	1986
salaries, appropriation for.....	699	1911
borough of Queens, office expenses, deficiency, appropriation for..	700	1982
salaries, appropriation for.....	699	1911
borough of Richmond, office expenses, deficiency, appropriation for.	700	1962
salaries, appropriation for.....	699	1911
boroughs of Manhattan and the Bronx, office rent, deficiency, appropriation for.....	700	1961
salaries, appropriation for.....	699	1910
commissioner, salary and expenses, appropriation for.....	699	1908
county treasurers, examination of offices of, appropriation for...	699	1909
deputy commissioner, salary and expenses, appropriation for.....	699	1909
enumeration for taxation, appropriation for.....	699	1909
Erie county, office rent, deficiency, appropriation for.....	700	1961
salaries, appropriation for.....	699	1911
general counsel, appropriation for.....	699	1909
judgments, payment of, appropriation for.....	699	1909
legal expenses, appropriation for.....	699	1909
appropriation for.....	700	1961
Monroe county, salaries, appropriation for.....	699	1912
office expenses, postage, etc., appropriation for.....	699	1909
rebates, appropriation for.....	699	1909
appropriation for.....	701	1986
second deputy commissioner, salary, appropriation for.....	699	1909
special agents, salaries and expenses, appropriation for.....	699	1909
special deputy commissioners, examination of offices of, appropriation for.....	699	1909
Excise, State Commissioner of:		
refunds on surrender of liquor tax certificates, appropriation for.	7	9
Executive Department:		
See Governor.		
Executive law amended:		
notaries public, appointment and number of, § 81.....	178	375
Executive mansion:		
appropriation for.....	699	1871
Executions:		
code of civil procedure amended relative to, § 1391.....	175	370
Executors:		
commissions of, code of civil procedure amended.....	328	604
Exemptions:		
code of civil procedure amended relative to, § 1391.....	175	370

	Chap.	Page.
Express companies:		
service of summons upon, code of civil procedure amended, § 2881.....	211	433
Extension of corporate existence:		
consent of stockholders for, general corporation law amended..	256	494
Extraordinary session of the legislature:		
expenses of, appropriation for.....	761	2137a
Factories:		
children employed in, registry of, labor law amended.....	493	1151
employment certificates, how issued, labor law amended.....	518	1179
Fall Brook creek:		
Sumner Hill town, Cayuga county, trout, close season, game law amended.....	424	900
Fallsburgh, town:		
authorized to acquire plank roads and turnpikes, bonds for....	40	44
Farmers' institutes:		
lecturers and instructors, appropriation for.....	699	1894
maintenance, appropriation for.....	699	1899
Faxon, William H.:		
application of, for cancellation of certain tax sales, comptroller to hear and determine.....	623	1521
Fennell, John:		
claim of, against New York city, audit of.....	346	620
Fees:		
computation of percentages, etc., of street surface railroad com- panies	651	1649
officers, cities second class.....	506	1163
register of New York county, fees of.....	530	1106
supervisors, town law amended.....	642	1576
Finn, Thomas:		
claim of, against city of New York.....	748	2118
Fire alarm telegraph systems:		
unlawful interference with, penal code amended, § 639-a.....	279	530
Fire escapes:		
tenement-house act amended.....	507	1164
Fire insurance corporations:		
domestic, surplus profits, how estimated, insurance law amended, § 117.....	251	488
Firemen's pension fund:		
trustees of, in cities of second class, act amended, § 185.....	444	980
Fiscal Supervisor of State Charities:		
clerks, employees, salaries, appropriation for.....	699	1933
estimates and contracts for work at state charitable institutions to be filed with.....	703	2002
office expenses, appropriation for.....	699	1933
postage and transportation, appropriation for.....	699	1934
report for 1903, printing of, appropriation for.....	701	1987
salary and expenses, appropriation for.....	699	1933
Fish eggs:		
forest, fish and game commission may purchase.....	612	1506
Fitzgibbons, James:		
claim of, against city of New York.....	748	2118

Flag:	Chap.	Page.
desecration or improper use of, penal code amended, § 640, sub. 16.....	80	104
penal code amended, § 640, sub. 16.....	440	973
Flower, Roswell P., memorial library:		
Watertown city to pay money to trustees of.....	466	1037
Fobes, Alan C.:		
reimbursement of, for moneys advanced to superintendent of public works, appropriation for.....	700	1972
Fonda, village:		
bonds for paving certain streets in, legalized.....	38	42
Food adulterations:		
agricultural law amended, § 165.....	100	140
public health law amended, §§ 41, 46.....	122	183
Forest fire wardens:		
superintendent of, duties of.....	285	540
Forest, Fish and Game Commission:		
Adirondack map, appropriation for.....	700	1963
Caledonia hatchery, protecting waters of, appropriation for....	700	1963
Chautauqua hatchery, increasing water supply, appropriation for.	700	1963
clerical help, appropriation for.....	699	1912
commissioner, salary and expenses, appropriation for.....	699	1912
costs of suits, appropriation for.....	700	1962
deputy commissioner, salary and expenses, appropriation for....	699	1912
fish hatcheries and hatching stations, appropriation for.....	699	1913
forestry department, assistant fire wardens, salaries and expenses, appropriation for.....	699	1914
assistant fire wardens, salaries, deficiency, appropriation for.	701	1966
chief fire warden, salary and expenses, appropriation for....	699	1913
employees, salaries, appropriation for.....	699	1913
foresters, salaries and expenses, appropriation for.....	699	1913
superintendent, salary and expenses, appropriation for.....	699	1913
Lyon, J. B., Company, printing game laws, appropriation for....	700	1962
office expenses, appropriation for.....	699	1912
protector, chief, salary and expenses, appropriation for.....	699	1912
protectors, assistant, salaries and expenses, appropriation for....	699	1912
protectors' salaries, deficiency, appropriation for.....	700	1963
purchase of fish eggs by.....	612	1506
rebates for suppressing forest fires, appropriation for.....	700	1962
reforesting lands in the forest preserve, appropriation for.....	700	1963
St. Lawrence river, state reservation, repair of docks and buildings, appropriation for.....	700	1963
shellfish department, employees, salaries, appropriation for....	699	1913
oyster protectors, salaries and expenses, appropriation for....	699	1913
rent and office expenses, appropriation for.....	699	1913
superintendent, salary and expenses, appropriation for.....	699	1913
survey of state lands, appropriation for.....	700	1963
state launch, maintenance of, appropriation for.....	700	1963
Forest, fish and game law amended:		
Allegany county, trout, close season, § 41-b.....	424	960
bear, wild black, failure to report taking, penalties for.....	319	589
Beaver, close season, § 14.....	428	963
Big Sandy pond, fishing through the ice on, § 59-a.....	427	962
black bass, yellow bass, bullheads and muscalonge, fishing for or possession of, in Chautauqua county, § 82.....	421	957
bullheads, catfish, eels, perch and sunfish, taking through the ice in certain waters.....	313	584
bullheads, dogfish, eels and suckers, spearing and hooking, in certain waters of certain counties.....	343	617
carp, piacing of, in water of Keuka lake.....	312	583

Forest, fish and game law amended—Continued:	Chap.	Page.
Cattaraugus county, woodcock, grouse and quail, close season for.	317	587
Chautauqua county, close season for black and gray squirrels in..	316	587
woodcock, grouse and quail, close season for.....	317	587
Coney Island creek, nets, use of, § 113.....	339	614
deer, close season in Columbia, Delaware, Dutchess, Greene, Oswego, Putnam, Rensselaer, Rockland, Westchester and Ulster counties	315	586
close season in Oneida, Lewis, Jefferson, Sullivan and Orange counties	315	586
close season, Rockland county.....	315	586
close season in Westchester county.....	315	586
Dutchess county, close season for black and gray squirrels in...	316	587
woodcock and grouse, close season for.....	317	587
fishing for or possession of pickerel in certain counties.....	314	585
Flatlands bay, fishing in, § 112.....	337	612
game protectors, special assistant oyster protector, appointment, compensation, §§ 170, 172.....	588	1317
Genesee river, Allegany county, trout, close season, § 41-b.....	424	960
Grassy bay, fishing in, § 112.....	337	612
Greene county, close season for black and gray squirrels in.....	316	587
woodcock and grouse, close season for.....	317	587
grouse and woodcock not to be sold, § 27.....	335	611
grouse, close season in certain counties.....	317	587
selling of, in Orange county, § 29-a.....	340	615
taking of, in Orange county, § 29-b.....	341	615
hares, close season, in certain counties, § 13.....	422	968
Jamaica bay and adjacent waters, fishing for eels in, game law amended	337	612
taking of fish in, § 112.....	337	612
Keuka Lake, carp not to be placed in.....	312	583
Lake Erie, nets used in, meshes of, § 63.....	36	40
Lake Ontario, pike, taking of.....	314	585
lake trout, close season, Putnam county, § 44.....	429	964
land turtles, taking prohibited.....	319	589
muscallonge, close season, Cattaraugus and Chautauqua counties excepted, § 48.....	423	959
Madison county, wall-eyed and yellow pike.....	314	585
Monroe county, special game protectors in, § 176-a.....	660	1677
nets to be destroyed by game protectors, § 178.....	657	1669
North, East, town of, fishing through ice.....	313	584
Oneida county, wall-eyed and yellow pike.....	314	585
Onondaga county, wall-eyed and yellow pike.....	314	585
Orange county, close season for black and gray squirrels in.....	316	587
woodcock, grouse and quail, close season for.....	317	587
Oswego county, Big Sandy pond, fishing through the ice in.....	427	962
wall-eyed and yellow pike.....	314	585
penalties, § 39.....	318	589
penalties, § 139.....	336	612
penalties for wrongful taking of land turtles and wild black bear, § 16.....	319	589
pike, wall-eyed and yellow, in certain counties.....	314	585
Putnam county, lake trout, close season, § 44.....	429	964
quail, close season in certain counties.....	317	587
selling of, in Orange county, § 29-a.....	340	615
taking of, in Orange county, § 29-b.....	341	615
rabbits, close season, in certain counties, § 13.....	422	968
Rensselaer county, close season for black and gray squirrels in..	316	587
woodcock, grouse and quail, close season for.....	317	587
Saint Lawrence river, pickerel, pike and muscallonge, close season, § 87, sub. 6.....	420	957
Saratoga county, close season for black and gray squirrels in...	316	587
woodcock and grouse, close season for.....	317	587

Forest, fish and game law amended—Continued:

	Chap.	Page.
Schenectady county, woodcock, grouse and quail, close season for.	317	587
Sheepshead bay, fishing in, § 112.	337	612
Smithville, town, fishing through the ice in certain waters of.	313	584
special game protectors in Monroe county, § 176-a.	660	1677
squirrels, close season in certain counties.	316	587
Sullivan county, close season for black and gray squirrels in.	316	587
Sullivan county, woodcock and grouse, close season for.	317	587
superintendent of forest, fire wardens, game protectors, duties of.	285	540
taking certain fish through the ice in Lake Keuka or Orooked Lake, Queechy Lake, Masten Lake, Lake Neatahwanta, Owasco Lake, Canandaigua Lake, Honeoye Lake, Canadice Lake and Conesus Lake.	313	584
Tioga county, woodcock and grouse, close season for.	317	587
tortoises, taking prohibited, § 15-a.	319	589
transportation of fish from Province of Quebec, § 47-a.	342	616
trout, close season, § 40.	196	415
close season for sale of, trout, § 43-b.	425	961
trout, close season, special, certain counties, § 41.	424	960
Ulster county, spearing fish in, § 84.	343	617
woodcock, grouse and quail, close season for.	317	587
wild birds, destroying or robbing nests of, § 34.	426	961
woodcock, close season, § 23.	338	613
close season in certain counties.	317	587
selling of, in Orange county, § 29-a.	340	615
taking of, in Orange county, § 29-b.	341	615
Westchester county, grouse, close season for.	317	587
Forrest, James, deceased:		
escheat property of, in Bronx borough, New York city, released to Lydia A. Spencer.	597	1470
Fort Plain, village:		
reimbursement of, for paving approaches to lift bridges, appropriation for.	700	1972
Franklin county:		
boundary line between St. Lawrence and Franklin counties, locating, appropriation for.	700	1956
Fredonia, village:		
elective and appointive offices of, relative to.	21	24
Fuessel, Kate:		
claim of, against New York city, audit of.	346	620
Fuller, William H.:		
claim of, against city of New York.	748	2118
Fulton county:		
assistant district attorney, appointment of.	43	50
hares and rabbits may be hunted with ferrets, game law amended.	422	958
Gaffigan, William:		
claim of, against city of Troy, hearing and determination of.	592	1326
Gallagher, Frank J.:		
claim of, against city of New York.	754	2125
Gambling:		
policy playing, fines or penalties for, payment of.	163	353
Game protectors:		
duties of superintendent of.	285	540
nets, destruction of certain, by, game law amended.	657	1639
special assistant oyster protector, appointment and compensation, game law amended.	588	1317
special, Monroe county, appointment of, game law amended.	660	1677

INDEX.

69

	Chap.	Page.
Garbage:		
disposition of, in villages, village law amended.....	500	1159
Gas:		
commission of gas and electricity, establishment and appointment of	737	2002
corporations, control and supervision of.....	737	2002
illuminating, furnished to the city of New York, price of.....	736	2001
inspection and tests of, in New York city, charter amended..	735	2000
Gas meters, inspector of:		
mechanics, appropriation for.....	699	1914
salaries and expenses, appropriation for.....	699	1914
General corporation law amended:		
extension of corporate existence, consent of stockholders, § 32....	256	494
General laws:		
publication of, appropriation for.....	18	21
publication of, appropriation for.....	699	1926
See also Session Laws.		
General Memorial Hospital for the Treatment of Cancer and Allied Diseases:		
managers of, quorum of.....	124	186
General municipal law amended:		
acquisition of water rights in Westchester and Putnam counties, limitation on, § 25-b.....	738	2100
Genesee river:		
Allegany county, trout, close season, game law amended.....	424	960
trunk sewer on east side of, in Rochester, assessments for, collection of.....	117	177
Genesee Valley canal:		
unexpended balance in fund for completion of, transferred to canal debt sinking fund.....	722	2022
Geneva, city:		
armory, improvement and enlargement of, appropriation for.....	744	2113
charter amended generally.....	461	1023
lands formerly under waters of Seneca Lake granted to, by state, for park purposes	665	1600
street surface railroads, location of tracks of, charter amended, § 65	462	1032
Geneva Experiment Station:		
See Agricultural Experiment Station.		
Geodetic and Coast Survey, United States:		
operations of, in state of New York.....	380	893
Geologist and Paleontologist, State:		
salary, appropriation for.....	699	1890
Gettysburg:		
New York monuments commission for the battlefields of Gettysburg and Chattanooga, appropriations for.....	700	1979
Geyer, Chris:		
claim of, against city of New York.....	748	2118
Gifts:		
state authorized to accept certain.....	388	906
Glavin, Nicholas:		
claim of, against city of New York.....	748	2118

	Chap.	Page.
Glenville, town:		
fire department of second school district abolished.....	126	187
Gloversville, city:		
assessment roll, correction and delivery of, charter amended, § 88.....	472	1065
Gold, stamping articles made of:		
penal code amended, § 364-j.....	287	547
Gold ware, manufacture and sale of spurious:		
violations of penal code for.....	288	547
Good, William H.:		
acts of, as commissioner of deeds, legalized.....	555	1233
Goshen, village:		
bonds for improvement of water supply legalized.....	1	1
Gouverneur, town:		
boundary line altered.....	...	2150
Governor:		
clerks, employees, appropriation for.....	699	1871
commission of gas and electricity, appointment of, by.....	737	2092
commission to examine probation system, appointment of.....	714	2013
commission to inquire as to providing modern prison buildings, appointment of.....	718	2017
communications to the legislature, compilation of, appropriation for.....	700	1943
counsel, appropriation for.....	699	1870
expenses, appropriation for.....	706	1943
salary, appropriation for.....	700	1942
inauguration expenses, appropriation for.....	700	1948
Jamestown ter-centennial exposition, New York commission at, appointment of.....	721	2020
legislative bills, examination of, appropriation for.....	700	1943
military secretary, appropriation for.....	699	1871
notarial department, clerks, appropriation for.....	699	1871
office expenses, appropriation for.....	699	1871
plans and specifications for the state charitable institutions to be approved by.....	703	2001
postage and transportation, appropriation for.....	699	1871
salary, appropriation for.....	699	1870
secretary, appropriation for.....	699	1870
state water supply commission, appointment of, by.....	723	2022
witnesses, fees and expenses of, appropriation for.....	699	1872
Gowanda State Homeopathic Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1966
Grade crossings:		
abolishment of, appropriation for.....	700	1973
appropriation for.....	701	1988
Schenectady city, abolishment of, appropriation for.....	700	1973
Graduates of law schools:		
code of civil procedure amended relative to, § 58.....	195	414
Grand Army of the Republic:		
department of New York, office expenses, appropriation for.....	700	1979
Orleans county, town boards may raise money for rental of rooms for.....	492	1150
Grand jury:		
who may be present during sessions of, code of criminal proced- ure amended, § 264.....	286	546

INDEX.

71

	Chap.	Page.
Granger, town:		
proceedings of town board relative to bond issue legalized.....	29	31
Grant cottage:		
care and maintenance, appropriation for.....	699	1941
repairs, appropriation for.....	700	1940
Grant, Edmund:		
claim of, against city of New York.....	748	2118
Grant, James:		
claim of, against city of New York.....	748	2118
Granville, town:		
bonds of Union Free School District No. 7 legalized.....	12	15
Great Horned Owl:		
destroying or robbing nests of, exception as to, game law amended	426	961
Greater New York:		
See New York city.		
Greater New York charter:		
See New York city.		
Greenburgh, town:		
bonds for road improvement authorized.....	105	146
change of boundaries of election districts.....	413	950
Greenfield, Elizabeth M.:		
cancellation of taxes and assessments levied upon property of, in New York city.....	585	1314
Greenfield, George J.:		
cancellation of taxes and assessments levied upon property of, in New York city.....	585	1314
Greenfield, Henry:		
cancellation of taxes and assessments levied upon property of, in New York city.....	585	1314
Green Island, town:		
surplus funds of, distribution of.....	22	24
Greene county:		
black and gray squirrels, close season for, game law amended....	316	587
deer, close season for, game law amended.....	315	586
fishing through the ice in waters not inhabited by trout, game law amended	313	584
woodcock and grouse, close season for, game law amended.....	317	587
Grinnan, Con.:		
claim of, against city.....	748	2118
Grouse:		
close season in certain counties.....	317	587
not to be sold, game law amended.....	335	611
Orange county, selling of, game law amended.....	340	615
taking of, game law amended.....	341	615
Guaranty Trust Company:		
accounts of, for taxes paid, Comptroller to readjust.....	756	2127
Guthorn, Joseph S.:		
release to, of escheat property in borough of Manhattan, New York city.....	200	418

Hacks:	Chap.	Page
license of public hacks in towns having more than three thousand inhabitants	249	484
Haggerty, Charles:		
claim of, against city of New York.....	755	2126
Hahnemann Hospital of the City of New York:		
assessments affecting property of, in New York city, cancelled....	321	594
New York city sinking fund commissioners authorized to change a certain lease to a grant.....	345	619
Hamilton county:		
hares and rabbits may be hunted with ferrets, game law amended.	422	958
Hancock:		
bonds for iron bridge across Beaverkill river, time of payment of	9	11
Harbor master for the port of Albany:		
office abolished, navigation law amended.....	505	1163
Hares:		
close season in certain counties, game law amended.....	422	958
not to be hunted with ferrets, Fulton and Hamilton counties excepted	422	958
Harlem River and Port Chester Railroad Company:		
land in Pelham Bay park and Bronx and Pelham parkway, New York city, to be granted to.....	670	1697
lands under waters of Pelham bay, New York city, to be granted to	669	1696
Hawk:		
destroying or robbing nests of, exception as to, game law amended	426	961
Health districts:		
in second class cities, number of.....	232	460
Health laws:		
wilful violation of, penal code amended, § 397.....	443	979
Health officer, port of New York:		
annual report of, public health law amended, § 125.....	284	540
Health, State Commissioner of:		
relief of indigent Indians in case of epidemic, by.....	303	572
Health, State Department of:		
cancer laboratory at Buffalo, maintenance, appropriation for....	700	1964
commissioner, salary and expenses, appropriation for.....	699	1914
bureau of chemistry, appropriation for.....	699	1915
bureau of pathology and bacteriology, appropriation for.....	699	1915
clerks, employees, salaries, appropriation for.....	699	1914
experts and stenographers, services and expenses, appropriation for	699	1915
health officers, annual conference, appropriation for.....	699	1915
office expenses, appropriation for.....	699	1915
postage and transportation, appropriation for.....	699	1915
secretary, salary, appropriation for.....	699	1914
serum therapy in certain diseases, investigations of, appropriation for.....	699	1915
tetanus and diphtheria antitoxin, manufacture of, appropriation for	699	1915
traveling expenses, appropriation for.....	699	1915

INDEX.

73

Hebrew Benevolent and Orphan Asylum Society of the City of New York:	Chap.	Page.
cancellation of assessments against property of.....	199	417
Hebrew Infant Asylum of the City of New York:		
cancellation of unpaid assessments against.....	291	554
Heirs:		
service of certain notices upon, code of civil procedure amended..	433	967
Hellenic Eastern Orthodox Christian Church of New York:		
incorporation of	749	2120
Helping Hand Hospital Association of Peekskill:		
Cortlandt town board to appropriate certain moneys to.....	263	510
Herkimer county:		
county clerk, special deputies, acts of certain, legalized.....	551	1230
special deputies, in office of, power and authority of.....	412	945
Herkimer, town:		
Union free school district No. 1, organization of, issue of bonds by, legalized	30	32
Herniman, George W.:		
claim of, for invalid pension, adjutant-general authorized to re-open and rehear.....	235	465
Hessell, Oliver:		
claim of, against city of New York.....	748	2118
Hettinger, John:		
compensation for injury to real property of, by city of New Rochelle	624	1522
Highway law amended:		
highways and bridges, extraordinary repairs, § 10.....	417	953
highways, vote on changing system of working.....	108	151
overseers in towns under money system, appointment of, § 4, subd. 5.....	672	1701
removal of obstructions caused by snow in towns under money system, § 33, subd. 6.....	672	1701
weeds and brush on highways forming town boundaries, removal of, § 53-a.....	293	556
Highways:		
changing system of working, highway law amended.....	108	151
commissioners of, certain towns may abolish office of, town law amended, § 15.....	209	431
Erie county, state road, railroads not to operate upon.....	222	447
extraordinary repairs of, highway law amended.....	417	953
Nassau county, macadamized, preservation of, act amended.....	378	891
Onondaga county, supervisors may acquire franchises of, bonds for	120	180
Queens county, macadamized, preservation of, act amended.....	378	891
Sullivan county, acquisition of turnpikes and plank roads, in certain towns of.....	40	44
weeds and brush on, removal of, highway law amended.....	293	556
Westchester county, supervisors may authorize towns to borrow money for improvement of.....	17	20
Historian, state:		
clerical services, office expenses, appropriation for.....	699	1916
clerks, salaries, appropriation for.....	699	1916
indexing publications of, appropriation for.....	700	1984
salary, appropriation for.....	699	1915
Hitchcock, A., Willard:		
replanking iron bridge across the Hudson river at Northumberland, appropriation for.....	700	1971

	Chap.	Page.
Hitchcock, George:		
acts of, as justice of the peace, legalized.....	554	1232
Hoffman island:		
quarantine station, improvements, appropriation for.....	741	2106
Home for the Friendless at Lockport:		
name changed from Lockport Home for the Friendless.....	387	905
Honeoye lake:		
fishing through the ice on, game law amended.....	313	564
Hoosick Falls, village:		
special election on proposition to erect village building, legalized..	219	444
Hose companies:		
organization of, number of members of, village law amended....	220	445
Hospitals:		
acute insane, appropriation for, construction of.....	702	1996
Albany City Homeopathic Hospital, power to take and hold property enlarged.....	308	580
Aurelia Osborn Fox Memorial Hospital Society of Oneonta, appropriation for, by Oneonta town board, authorized.....	103	144
chronic insane, appropriation for construction of.....	702	1996
Dannemora Hospital for Insane Convicts, appropriation for....	699	1925
General Memorial Hospital for the Treatment of Cancer and Allied Diseases, quorum of managers of.....	124	186
Hahnemann Hospital of the City of New York, assessments affecting property of, in New York city, cancelled.....	321	594
Hahnemann Hospital, of the City of New York, lease of, changed to a grant.....	345	619
Helping Hand Hospital Association of Peekskill, Cortlandt town board to appropriate certain moneys to.....	263	510
Matteawan State Hospital for Insane Convicts, maintenance, appropriation for.....	699	1925
Matteawan State Hospital for Insane Criminals, maintenance, appropriation for.....	700	1969
New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw, appropriation for.....	699	1936
pavilion, hospital and equipment, appropriation for.....	700	1978
sewer and connections, appropriation for.....	703	1930
New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Raybrook, dormitory pavilion, etc., appropriation for.....	700	1977
laboratory equipment, appropriation for.....	700	1975
improvements, repairs, appropriation for.....	703	1999
maintenance, appropriation for.....	699	1935
maintenance fund, appropriation for.....	700	1974
Oswego, certain lands in Oswego city appropriated to use of... reception, in New York city, appropriation for construction of...	653	1663
	702	1996
Roosevelt Hospital, additional trustees, filling vacancies.....	375	883
site for state hospital for the insane, north of Rensselaer county, appropriation for.....	701	1985
state, boards of managers of, appointment, terms, powers, insanity law amended.....	490	1120
boards of visitation abolished, insanity law amended.....	490	1120
buildings, repairs and improvements, appropriations for....	702	1990
lunacy commission, appointment, terms, salaries, powers, duties, insanity law amended.....	490	1120
maintenance, salaries, etc., appropriations for.....	700	1965
management of.....	490	1120
White Plains Hospital Association, appropriation for, by town board	115	167

INDEX.

75

	Chap.	Page.
Hotelkeepers:		
apartment, liens of, lien law amended, § 71.....	206	427
trafficking in liquors, liquor tax law amended relative to.....	638	1865
Hotels:		
inspection of, where liquor is sold.....	697	1862
trafficking in liquors, requirements of, liquor tax law amended, § 31-b.....	698	1865
Hudson, city:		
charter amended generally.....	559	1236
Hudson, river:		
bridge across, at Albany, act amended.....	381	894
in Moreau, town, bonds for, legalized.....	99	139
Hudson River State Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1991
Hussy, John:		
claim of, against city of New York.....	748	2118
Ice bridges and ice cuttings:		
penal code amended, § 429.....	326	602
Ilion, village:		
bonds for improving electric light plant legalized.....	5	6
Incompetents:		
partition of real property of, code of civil procedure amended....	434	968
Indian reservations:		
highways and bridges on, appropriation for.....	700	1972
schools on, repairs, improvements, supplies, appropriation for...	700	1957
Indian schools:		
repairs and improvements, appropriation for.....	700	1957
support of, appropriation for.....	699	1894
truants, transportation and maintenance of, appropriation for...	700	1957
Indians:		
Cayugas, annuities, appropriation for.....	699	1939
indigent, relief of, in case of epidemic, public health law amended.	303	572
Onondagas, agents, compensation of, appropriation for.....	699	1940
annuities, appropriation for.....	699	1939
relief of, appropriation for.....	699	1940
St. Regis, annuities, appropriation for.....	699	1939
attorney, compensation of, appropriation for.....	699	1940
Senecas, annuities, appropriation for.....	699	1939
attorney, compensation of, appropriation for.....	699	1940
Tonawanda band of Senecas, attorney, appropriation for.....	699	1940
Inhabitants of state:		
enumeration of, appropriation for.....	83	117
provision for.....	83	110
items of enumeration of, filing of election district boundaries, act amended, §§ 3, 10.....	144	319
Inmates:		
state charitable institutions, transfer of.....	452	988
Insane:		
acute, hospitals for, appropriation for.....	702	1996
chronic, hospitals for, appropriation for.....	702	1996
state hospitals for, extraordinary repairs at, appropriation for...	702	1996
Insanity law amended:		
state commissioners in lunacy, appointment, terms, salaries, powers, duties of.....	490	1120

	Chap.	Page.
Insanity law amended—Continued:		
state hospitals, boards of managers of, appointment, terms, powers and duties of.....	490	1120
boards of visitation abolished.....	490	1120
management of	490	1120
visitation and inspection of certain institutions, § 7-a.....	497	1157
Inspections:		
vessels, fees for, navigation law amended.....	359	814
Institute for the Deaf and Dumb in New York City:		
support and instruction, appropriation for.....	699	1937
Institution for the Improved Instruction of Deaf-Mutes in New York City:		
support and maintenance, appropriation for.....	699	1937
Insurance companies:		
casualty and credit, incorporation of, insurance law amended...	573	1270
life or casualty corporations, expense of management, insurance law amended.....	569	1262
reorganization of existing corporations, amendment of certificates, insurance law amended.....	574	1272
service of summons upon, code of civil procedure amended, § 2881.....	211	433
town and county cooperative, incorporation of, etc.....	217	440
Insurance corporations:		
franchise taxes, tax law amended, § 187.....	94	131
Insurance Department:		
appraisers, examiners, counsel, appropriation for.....	699	1918
clerks, employees, salaries, appropriation for.....	699	1916
deputies, salaries and expenses, appropriation for.....	699	1916
examiners, salaries, appropriation for.....	699	1918
incidental expenses, appropriation for.....	699	1917
litigation, services of deputies and clerks, in office of attorney-general, appropriation for.....	699	1918
New York office, appropriation for.....	699	1917
office expenses, appropriation for.....	699	1917
reports, printing and binding, appropriation for.....	699	1917
superintendent, salary and expenses, appropriation for.....	699	1916
valuation tables, appropriation for.....	699	1917
Insurance law amended:		
casualty and credit insurance, incorporation, § 70.....	573	1270
casualty insurance corporations, assets and liabilities of, § 86...	113	162
fire insurance corporations, domestic, surplus profits, how estimated, § 117.....	251	488
life insurance policies, certain provisions not to appear, in § 59...	568	1261
life or casualty insurance corporations, expense of management, § 207.....	569	1262
Lloyds associations, relative to, §§ 138, 139, 162.....	566	1258
mutual benefit fraternities, constitution and by-laws, § 234.....	567	1260
reorganizations of existing corporations and amendment of certificates, article I, § 52.....	574	1272
town and county cooperative insurance companies, incorporation, etc	217	440
Insurance policies:		
life, not to contain certain provisions.....	568	1261
Irving:		
bridge over Cattaraugus creek, appropriation for.....	172	365
Islip, town:		
acquisition of site and building for town purposes, bonds for....	482	1097

INDEX.

77

	Chap.	Page.
Jail liberties:		
Broome county, code of civil procedure amended.....	439	972
Jamaica:		
Queens county, transfer of state normal school at, to the city of New York.....	524	1188
Jamaica bay:		
taking of fish in, game law amended, § 112.....	337	612
Jamestown, city:		
police justice, powers and duties, charter amended, § 8.....	478	1063
treasurer, compensation for receiving water rents.....	58	70
Jamestown ter-centennial exposition:		
New York commission at, appointment of.....	721	2020
New York exhibit at, appropriation for.....	721	2020
Jefferson county:		
deer, close season, game law amended.....	315	586
Johnstown, city:		
article I, incorporation, city and ward boundaries, charter revised	593	1329
article II, city officers, election, appointment, terms, compensa- tion, charter revised.....	593	1332
article III, mayor, city clerk and common council, charter revised.....	593	1340
article IV, chamberlain, finance tax budget, bonds, charter revised	593	1357
article V, assessment and collection of taxes, charter revised....	593	1369
article VI, local improvement, streets and sewers, charter revised.....	593	1383
article VII, water commissioners, water works, charter revised..	593	1407
article VIII, police department, charter revised.....	593	1422
article IX, fire department, fire limits, charter revised.....	593	1425
article X, board of education, schools, charter revised.....	593	1434
article XI, board of health, city physician, charities, charter revised	593	1447
article XII, recorder, general powers, charter revised.....	593	1449
article XIII, city court, charter revised.....	593	1458
article XIV, city attorney, action by and against city, charter revised	593	1462
article XV, miscellaneous provisions, charter revised.....	593	1465
cleaning sidewalks and gutters of snow and ice, charter amended, § 86	474	1070
Judgments:		
Court of Claims, on account of canals, appropriation for.....	707	2008
on account of counties, appropriation for.....	708	2009
other than canals, appropriation for.....	708	2007
lien of, code of civil procedure amended, § 1251.....	422	966
matrimonial actions, code of civil procedure amended.....	537	1205
transcripts of, by justices of the peace, issuing by town clerks, code of civil procedure amended.....	436	970
Jurors:		
commissioner of, established in Oneida county.....	510	1168
established in Schenectady and Saratoga counties.....	102	143
in counties of certain population, act amended generally....	392	913
Monroe county, compensation, lists and qualifications of jurors	386	903
drawing of, in certain counties, ballots for.....	31	34
excusing, code of civil procedure amended, § 1086.....	44	57
exemption of, code of civil procedure amended.....	437	971
grand jurors, persons entitled to be present during sessions of...	280	546
misconduct of officers at drawing of, penal code amended.....	692	1856
New York county, grand jurors, selection of, consolidation act amended	203	421

Justices of Supreme Court:		Chap.	Page.
	See Supreme Court.		
Justices of the peace:			
Hitchcock, George, official acts of, legalized.....	554	1232	
license of public hacks, venders and public amusements in towns having population of over three thousand.....	249	484	
transcripts of judgments of, issuing by town clerks, code of civil procedure amended	436	970	
Kayakerosseras patent:			
application of Charles S. Latham for cancellation of tax sales of certain lands in.....	95	133	
Keane, James R., and Company:			
claim of, against New York city, audit of.....	346	620	
Kelley, John:			
claim of, against city of New York.....	748	2118	
Kenmore, village:			
shade trees in, planting of, petition of property holders for.....	16	19	
Kensico cemetery:			
relief of, may purchase and hold additional lands.....	354	646	
Keuka lake:			
carp not to be placed in, game law amended.....	312	583	
fishing through the ice in, game law amended.....	313	584	
Kimball, William H.:			
reimbursement of, for premiums on surety bond, appropriation for	700	1965	
Kinderhook, village:			
boundaries, charter amended.....	64	76	
Kings county:			
certain contracts with, by supervisors, legalized.....	407	943	
court funds, investment of, by New York city chamberlain.....	282	537	
penitentiary, abolishment and removal of.....	173	306	
street surface railroads, consents of property owners to construc- tion of, railroad law amended.....	650	1646	
street surface railroads in, protection of employees of, railroad law amended	453	990	
Supreme Court stenographers, appointment, compensation, code of civil procedure amended.....	616	1510	
Kings County Penitentiary:			
prisoners in, certain contracts for support of, legalized.....	407	943	
Kings County Trust Company:			
accounts of, for taxes paid, Comptroller to readjust.....	756	2127	
Knevenee, Thomas:			
claim of, against city of New York.....	748	2118	
Knickerbocker Trust Company:			
accounts of, for taxes paid, Comptroller to readjust.....	756	2127	
Labor Department:			
clerks and statisticians, appropriation for.....	699	1918	
commissioner, expenses, appropriation for.....	699	1919	
salary, appropriation for.....	699	1918	
deputies, assistants, etc., expenses, appropriation for.....	699	1919	
salaries, appropriation for.....	699	1918	
factory inspectors, extra, appropriation for.....	700	1964	
free employment bureau, New York city, appropriation for.....	699	1919	

INDEX.

79

		Chap.	Page.
Labor Department—Continued:			
office expenses, appropriation for.....		699	1919
printing, appropriation for.....		699	1919
Labor law amended:			
children employed in factories, etc., registry of, §§ 76, 167.....	493		1151
children, sale of newspapers by, in cities of first and second classes	519		1183
employment certificates, how issued.....	518		1179
protection of persons employed on buildings in cities.....	520		1184
Lake Champlain:			
Missisquoi bay, Province of Quebec, transportation of fish caught in, prohibited, game law amended.....	342		616
Richlieu river, Province of Quebec, transportation of fish caught in, prohibited, game law amended.....	342		616
Lake Erie:			
nets used in, meshes of, game law amended, § 63.....	36		40
Lake Ontario:			
pike, game law amended.....	314		585
Lake trout:			
close season, Putnam county, game law amended, § 44.....	429		964
Lamaroue, Eleonore Despeyroux:			
escheat property of Bartholomew Dupuy and others, New York city, released to.....	250		487
Land Office:			
expenses of land board, appropriation for.....	699		1920
Land Office, Commissioners of the:			
authorized to convey to Onondaga Chapter, Daughters of the American Revolution, certain lands in Onondaga town.....	571		1267
authorized to convey to the United States, lands in late town of Southfield, Richmond county.....	240		473
authorized to grant to the city of New York, lands under waters of Cromwell's creek.....	628		1531
lands under waters of Pelham bay, grant of, to Harlem River and Portchester Railroad Company.....	669		1696
maps showing grants of land under water in certain counties, appropriation for.....	700		1764
releases of escheated lands by, public lands law amended.....	360		815
Land turtles:			
taking prohibited, game law amended.....	319		589
Lands:			
assessment of certain, in Ulster county.....	598		1471
redemption of, appropriation for.....	699		1939
state lands in Union free school district No. 2, Dannemora town, to be taxed for school purposes.....	563		1255
Wawarsing town, to be taxed for school purposes.....	562		1254
Latham, Charles S.:			
application for cancellation of tax sales.....	95		133
Law libraries. See libraries.			
Lawrence, town:			
action of town meeting on proposition to purchase stone crusher and engine, legalized.....	221		446
Law schools:			
graduates of, relative to, code of civil procedure amended, § 58..	195		414

**Le Couteux Saint Mary's Institution for the Improved Instruction
of Deaf-Mutes at Buffalo:**
support and instruction, appropriation for.....

Chap. Page
699 1537

Legislative law amended:

contempts of either house, punishment for..... 23 25

Legislature:

assembly, clerk, contingent expenses, appropriation for..... 701 1983
judiciary committee, expenses of, in Warren B. Hooker investigation, appropriation for..... 701 1984
speaker, extra stenographic and clerical services, appropriation for..... 701 1983
ways and means committee, extra stenographic and clerical services, appropriation for..... 701 1983
bill drafting department deficiency, appropriation for..... 701 1984
bills and reports, printing extra copies, appropriation for..... 701 1987
bills, drafting and revising, appropriation for..... 3 3
bills, examination of, appropriation for..... 700 1943
chaplains, assembly and senate, appropriation for..... 700 1946
clerks, advances to, appropriation for..... 699 1877
by comptroller, appropriation for..... 700 1947
clerks, indices and digests, preparation of, appropriation for... 701 1984
clerk's manual, appropriation for..... 699 1878
deficiency, appropriation for..... 700 1946
Coman, Henry B., services in Warren B. Hooker investigation, appropriation for..... 701 1984
contempts of either house, punishment for..... 23 25
contingent expenses, appropriation for..... 699 1878
deficiency in, appropriation for..... 700 1946
engrossing resolutions, senate and assembly, appropriation for... 700 1946
extraordinary session, expenses of, appropriation for..... 761 2137a
indexing bills, journals and documents, appropriation for..... 699 1878
deficiency appropriation for..... 700 1946
joint committee on investigation of gas and electric lighting companies in New York city, expenses, appropriation for. 701 1984
expenses, appropriation for..... 700 1947
legislative manual, appropriation for..... 699 1878
deficiency, appropriation for..... 700 1946
members and officers, compensation, mileage, appropriation for.. 699 1877
compensation and mileage, deficiency, appropriation for.... 700 1940
Perham, Frederic E., deceased member, estate of, appropriation for 700 1947
postage, etc., appropriation for..... 699 1878
printing, appropriation for..... 699 1925
printing extra copies of bills and reports, appropriation for.... 701 1987
senate, clerk, contingent expenses, appropriation for..... 701 1983
clerk, preparing indexes, appropriation for..... 700 1947
finance committee, extra stenographic and clerical services, appropriation for..... 701 1983
supplementary indices of bills, journals and documents, appropriation for..... 700 1947

Lestershire, village:

frontage tax for water purposes, authorized..... 149 328

Letters of administration:

foreign, authentication of, code of civil procedure amended..... 347 622

Letters testamentary:

foreign, authentication of, code of civil procedure amended..... 347 622

Levine, Israel:

acts of, as notary public, legalized..... 550 1230

Lewis and Clark Centennial Exposition at Portland, Oregon:	Chap.	Page.
exhibit by state of New York, appropriation for.....	715	2014
New York state commissioners, appropriation for.....	700	1980
Lewisboro, town:		
supervisor, to invest moneys received from New York city for lands taken for water supply.....	396	925
Lewis county:		
deer, close season, game law amended.....	315	560
Lewis, Samuel:		
claim of, against New York city, audit of.....	346	620
Liberty, town:		
authorized to acquire plank roads and turnpikes, bonds for.....	40	44
Libraries:		
court of appeals, appropriation for.....	699	1873
court of appeals at Syracuse, appropriation for.....	699	1873
books, appropriation for.....	700	1945
Flower, Roswell P., Memorial Library, Watertown city, to pay money to trustees of.....	466	1087
judicial district libraries, appropriation for.....	699	1873
New York city, contracts with trustees of certain.....	296	562
public school, appropriation for.....	699	1896
Robinson Memorial Library, establishment and location of.....	600	1486
supreme court, appellate division, first department, appropriation for.....	699	1874
second department, appropriation for.....	699	1874
third department, appropriation for.....	699	1874
fourth department, books and supplies, appropriation for... librarian, appropriation for.....	699	1874
supreme court, first department, trial terms, appropriation for..	699	1874
fifth judicial district, Utica, books, appropriation for.....	700	1945
sixth judicial district, Binghamton, books, appropriation for..	700	1945
Elmira, books, appropriation for.....	700	1945
librarian, salary of.....	119	179
eighth judicial district, Buffalo, appropriation for.....	699	1874
trusts for founding, endowing and maintaining, act amended...	393	921
Licenses:		
amusements, licenses for, in towns having over three thousand inhabitants	249	484
computation of percentages, etc., of street surface railroads....	651	1649
navigation, fees for, navigation law amended.....	359	814
nets, rules and regulations governing.....	...	2141
peddlers, for veteran soldiers, sailors or marines.....	162	352
persons in charge of milk stations, agricultural law amended....	603	1488
sale of merchandise by soldiers and sailors.....	162	352
Lien law amended:		
exemptions of certain articles from contracts of conditional sale, § 115 repealed.....	503	1162
liens of apartment hotel keepers, § 71.....	206	427
notice of lien, contents of, § 9, subd. 1.....	96	134
section one hundred and fifteen repealed.....	503	1162
Liens:		
judgments, code of civil procedure amended relative to, § 1251...	432	966
upon real property, postponement or subordination of, real property law amended, § 240.....	449	966

	Chap.	Page.
Lieutenant-Governor:		
expenses, appropriation for.....	700	1949
extra stenographic and clerical services, appropriation for.....	701	1953
salary, appropriation for.....	699	1870
Life preservers:		
navigation law amended relative to, § 15.....	74	99
Liquor tax certificates:		
obtaining and filing consents after revocation of, liquor tax law amended	677	1725
refunds on surrender of, appropriation for.....	7	9
revocation of, relative to.....	697	1862
Liquor tax law amended:		
cancellation proceedings, § 28, subd. 2.....	690	1731
consents, obtaining and filing after revocation of a liquor tax certificate	677	1725
convictions, § 34, subd. 7.....	690	1731
hotels trafficking in liquors, construction of building, requirements, § 31-b.....	698	1865
liquor, sale of prohibited in certain places, § 24, subd. 1.....	104	145
local option, § 16.....	690	1731
persons who shall not traffic in liquors, § 23.....	690	1731
reports and fees of county clerks, § 36.....	690	1731
subdivision three-a of section eleven repealed.....	678	1729
trafficking in liquors, definition of, § 2.....	679	1730
Liquors:		
hotels trafficking in, inspection of.....	697	1862
trafficking in, definition of, liquor tax law amended, § 2.....	679	1730
Literature fund:		
appropriation for	699	1896
Little Falls, city:		
special election in, legalized.....	591	1825
tax levy, maximum amount of, charter amended, § 53.....	464	1084
Little Valley, village:		
electric light bonds, legalized.....	169	361
Livingston county:		
county clerk, appointments in office of.....	52	63
under sheriff, deputies and jailor, appointment and compensation of	177	374
Lloyds associations:		
relative to, insurance law amended.....	566	1258
Loan associations:		
money, place of incorporation, act amended.....	333	608
Loans:		
by banking and trust companies, amount of, banking law amended, § 25.....	456	965
security for, not to be made upon second mortgages, banking law amended	491	1147
Lockport, city:		
charter amended generally.....	182	381
Hawley street school building, improvement of, bonds for.....	364	822
Home for the Friendless, name changed.....	387	905
tax paid by foreign fire insurance corporations, disposition of, charter amended, § 127.....	365	823
treasurer, attorney, salaries of, charter amended.....	363	819

Lockport Home for the Friendless:	Chap.	Page.
name changed to Home for the Friendless at Lockport.....	387	905
Locomotive boilers:		
inspection of, railroad law amended.....	611	1504
state inspector of, appointment of, railroad law amended.....	611	1504
Lombardi, Michael:		
claim of, against city of New York.....	748	2118
Long Island Loan and Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Long Island Railroad Company:		
grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557
Long Island State Hospital at King's Park:		
buildings, repairs and improvements, appropriation for.....	702	1905
deficiency in accounts of treasurer and steward, appropriation for.....	700	1906
Louisiana Purchase Exposition Commission:		
expenses, appropriation for.....	701	1989
Louisville, town:		
bridge over De Grasse river, issue of bonds for.....	397	926
Lunacy Commission:		
alien and non-resident lunatics, deportation of, appropriation for.....	699	1921
alienists, board of, appropriation for.....	699	1921
clerks and employees, appropriation for.....	699	1920
commissioners, appointment, terms, salaries, powers and duties, insanity law amended.....	490	1126
salaries and expenses, appropriation for.....	699	1920
hospitals for the acute insane, appropriation for.....	702	1906
hospitals for the chronic insane, appropriation for.....	702	1906
Kimball, William H., reimbursement of, for premiums on surety bond, appropriation for.....	700	1905
Long Island State Hospital at Kings Park, deficiency in accounts of treasurer and steward, appropriation for.....	700	1906
may visit and inspect certain institutions, insanity law amended.....	497	1157
medical inspector, expenses, appropriation for.....	699	1921
inspection of certain institutions by, insanity law amended.....	497	1157
office expenses, appropriation for.....	699	1921
deficiency, appropriation for.....	700	1906
pathological institute, appropriation for.....	699	1921
Reception Hospital for Insane in New York City, appropriation for.....	702	1906
Rochester State Hospital, deficiency in accounts of treasurer, appropriation for.....	700	1906
special agents, appropriation for.....	699	1921
state hospitals, buildings, repairs and improvements, appropriation for.....	702	1990
employees, deficiency, appropriation for.....	700	1906
maintenance, appropriation for.....	699	1921
maintenance, appropriation for.....	700	1905
maintenance, deficiency, appropriation for.....	700	1905
officers and employees, appropriation for.....	699	1921
officers and employees, deficiency, appropriation for.....	700	1905
superintendents, reimbursement of, appropriation for.....	700	1906
Temporary services, appropriation for.....	699	1920
Tyng, J. B., Company:		
game laws, printing of, appropriation for.....	700	1902

	Chap.	Page
Lyons, village:		
disorderly persons, relative to, charter amended.....	289	550
Mack, John:		
claim of, against city of New York.....	748	2118
Macomb, town:		
boundary line altered.....	...	2150
Madison county:		
hares and rabbits, close season, game law amended.....	422	958
pike, game law amended.....	314	585
Madison, town:		
repairing highway in, appropriation for.....	700	1972
Madrid, town:		
bridge over De Grasse river, issue of bonds for.....	397	926
Magistrates:		
return of statement by, to district attorney in certain counties, code of criminal procedure amended.....	267	518
Mallery, Michael:		
claim of, against city of New York.....	748	2118
Mamakating, town:		
authorized to acquire plank roads and bridges, bonds for.....	40	44
Managers of the Society for the Reformation of Juvenile De- linquents in the City of New York:		
incorporation of, state charities law amended.....	613	1507
new name assumed, managers of.....	613	1507
Manhattan State Hospital, Central Islip:		
buildings, repairs and improvements, appropriation for.....	702	1994
Manhattan State Hospital, East:		
buildings, repairs and improvements, appropriation for.....	702	1994
Manhattan State Hospital, West:		
buildings, repairs and improvements, appropriation for.....	702	1994
Mann, Morris:		
claim of, against city of Troy, hearing and determination of.....	592	1326
Manufacturers' Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Marine, William:		
claim of, against city of New York.....	748	2118
Marriages:		
solemnization of, domestic relations law amended.....	499	1159
Married women:		
rights of action for wages, etc., domestic relations law amended..	495	1153
Masten lake:		
fishing through the ice in, game law amended.....	313	564
Masterson, Charles:		
claim of, against city of New York.....	748	2118
Matrimonial actions:		
judgments in, code of civil procedure amended.....	537	1205
Matteawan State Hospital for Insane Criminals:		
maintenance, appropriation for.....	699	1925
appropriation for	700	1929
repairs and improvements appropriation for.....	704	2008

INDEX.

85

	Chap.	Page.
McCormack, James:		
claim of, against city of New York.....	748	2118
McCormack, John F.:		
claim of, against city of New York.....	748	2118
McHeary, James:		
claim of, against city of New York.....	748	2118
McGuinness, John P.:		
claim of, against city of New York.....	748	2118
McGuire, Patrick:		
claim of, against city of New York.....	748	2118
McNally, John:		
claim of, against city of New York.....	748	2118
McQuillan, William:		
claim of, against city of New York.....	755	2126
McVeigh, Patrick:		
claim of, against city of New York.....	748	2118
McVicker Realty Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Mechanicville, village:		
elections, qualifications of voters on tax propositions.....	34	37
fire alarm telegraph system, ordinances relating to, charter amended	400	929
garbage and refuse matter, removal of.....	101	142
inspectors of election, appointment of, charter amended.....	274	525
Medical College Laboratory of the City of New York:		
authorized to convey property.....	28	30
Medical Examiner:		
Erie county, relative to, act amended.....	151	334
Medical Inspector:		
lunacy commission, may visit and inspect certain institutions, insanity law amended.....	407	1157
Medicine:		
practice of, in violation of law, penalties for, public health law amended	455	994
Medina, village:		
water works system, acquisition of, bonds for.....	194	413
Membership corporations law amended:		
cemetery corporations, taxation of lot owners by, § 52.....	123	184
change of location of office by corporations for the prevention of cruelty to animals, article V, § 73.....	271	522
Christian associations, article 1, § 10.....	320	591
consolidation of cruelty corporations, § 7.....	663	1688
soldiers' monument corporations, §§ 120, 121.....	411	947
Memorial Continental Hall, Washington, D. C.:		
memorial column in, appropriation for.....	700	1982
Memorial day:		
New York city, celebration of, appropriation for, authorized....	332	607
observance of, appropriation for, by board of estimate.....	552	1231
Mercantile establishments:		
children employed in, registry of, labor law amended.....	493	1151

Merchants Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Merwin, Edwin F.:		
claim of, against city of New York, board of estimate to hear and determine	607	1698
Methyl:		
adulteration of food with, agricultural law amended.....	100	140
use of, for adulterative purposes, prohibited, public health law amended	122	188
Metropolitan elections district:		
how constituted, act amended generally.....	689	1846
See also Elections, State Superintendent of.		
Metropolitan Museum of Art:		
extension of building, appropriation for.....	27	80
Mexico, town:		
grounds and monument on Spy Island, care of, appropriation for.	700	1981
Middletown State Homeopathic Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1992
Middletown, town:		
certificates of indebtedness, bonds to retire.....	246	482
Military code amended:		
armories, employees in, compensation of, §§ 138, 139 and 140.....	618	1513
expenses of erecting, improving and furnishing, § 133.....	618	1512
arms, uniforms and equipments for National Guard and Naval Militia, § 125.....	617	1511
members of National Guard and Naval Militia, pay and care of, when injured in service, § 165.....	419	955
military parades on Dewey day, § 177.....	694	1858
relief from civil or criminal liability, security for costs, § 14.....	310	581
responsibility for public property, § 125.....	617	1511
Military parades:		
Dewey day, military code amended.....	694	1858
Militia:		
equipment, sale of, to United States authorized.....	11	18
members of, relieved from civil or criminal liability, military code amended	310	581
Milk:		
adulterated, sale of, agricultural law amended.....	602	1487
certified, sale of, agricultural law amended.....	602	1487
unclean receptacles and places for keeping, agricultural law amended	603	1488
Miller, Frank:		
claim of, against city of New York.....	748	2118
Miller, Mary J.:		
release to, of escheat property in city of Rochester.....	344	618
Miller, Walter:		
release to, of escheat property in city of Rochester.....	344	618
Minors:		
imprisonment of, penal code amended, § 699.....	655	1664
Miscellaneous Reporter:		
salary, clerk hire and office expenses, appropriation for.....	699	1877

INDEX.

87

	Chap.	Page.
Missisquoi bay:		
Lake Champlain, Province of Quebec, transportation of fish caught in, prohibited, game law amended.....	342	616
Mohawk and Hudson River Humane Society. The:		
consolidation with the Saratoga Society for the Prevention of Cruelty to Children and the Columbia County Society for the Prevention of Cruelty to Children.....	79	108
Mohawk river:		
completing change of channel of, between Utica and Deerfield, bonds for.....	81	108
Mohawk, town:		
administration of justice in, act repealed.....	298	567
Mohawk, village:		
proceedings relative to improving water and lighting systems legalized	72	90
special election in, relative to improving water and lighting systems, legalized	72	91
Mollison, Ada R.:		
acts of, as commissioner of deeds, legalized.....	696	1861
Money:		
power to borrow, stock corporation law amended, § 2.....	745	2118
Money loan associations:		
place of incorporation, act amended.....	333	608
Monroe county:		
county court attendants, salary of.....	620	1518
jurors, lists and qualifications of, commissioner of, compensation.	386	908
special game protectors in, appointment of, game law amended...	660	1677
supreme court attendants, salary of.....	620	1518
Montgomery county:		
Mohawk, administration of justice in town of, act repealed.....	298	567
Montgomery, G., and Company:		
claim of, against New York city, audit of.....	346	620
Montour Falls, village:		
special election relative to excavation of Catherine creek legalized.	59	70
Moose:		
penalty for taking, game law amended, § 16.....	319	589
Moose river:		
state dam on, commissioners of, powers of.....	382	895
Moran, Michael:		
claim of, against city of New York.....	748	2118
Moran, Nicholas:		
claim of, against city of New York.....	748	2118
Moreau, town:		
bonds for new bridge, payment of, legalized.....	99	139
commissioner of highways of, acts legalized.....	99	139
Morrison, Phillip:		
claim of, against city of New York.....	748	2118
Mortgages:		
second, loans not to be made upon, banking law amended.....	491	1147
taxation of, tax law amended, article XIV.....	729	2059

Mosley, Thomas:	Chap.	Page.
claim of, against city of New York.....	748	2118
Motor vehicle law:		
enforcement of, appropriation for.....	700	1949
Mount Morris, village:		
trustees, powers of, charter amended, §§ 32, 33.....	214	436
Mount Vernon, city:		
bonds for sites and buildings for fire and police departments....	87	121
commissioner of public works, salary of, charter amended, § 123.	255	493
delinquent taxes, assessments, relief from, tax notices, charter amended	374	890
fire department, payment of deficiency for support of.....	86	120
general fund, transfer of unused balances to.....	561	1253
official newspapers, designation of, charter amended, § 166.....	473	1069
paving and grading streets, bonds for, authorized.....	176	372
police force, members of, charter amended, § 206-e.....	85	119
refunding bonds, issue of, authorized.....	114	166
Muller, John P.:		
claim of, against city of New York.....	748	2118
Municipal boards:		
village law amended relative to.....	66	82
Municipal courts:		
New York city, actions to recover penalties for violation of laws of ordinances.....	73	92
Brooklyn borough, districts, number and boundaries of.....	758	2129
jurisdiction of, act amended.....	513	1172
justices of, salary, compensation.....	622	1520
marshals, payment of money received by.....	228	454
Manhattan borough, districts, number and boundaries of....	730	2063
Murphy, Cornelius:		
claim of, against city of New York.....	748	2118
Muscallonge:		
Chautauqua county, game law amended.....	421	957
close season, Cattaraugus and Chautauqua counties excepted, game law amended.....	423	959
close season, St. Lawrence river, game law amended.....	420	957
Museums:		
trusts for founding, endowing and maintaining, act amended....	393	921
Mutual benefit fraternities:		
constitution and by-laws, insurance law amended.....	567	1260
Mutual loan corporations:		
payment of expenses of, banking law amended.....	673	1704
Names changed by court:		
Aarons, Julius, from Aarinowitz, Julius.....	...	2171
Abraskou, Isador D., to Brokaw, Isidor D.....	...	2164
Accetta, Edgar R., to Accetta-Stelle, Edgar R.....	...	2169
Accetta-Stelle, Edgar R., from Accetta, Edgar R.....	...	2169
Adams, Charles J., from Shoboda, Charles J.....	...	2170
Adler, Charles August, from Johnson, Charles August.....	...	2154
Allen, William and Company, merger with Brown Embossing and Stamping Company.....	...	2161
Aller, Ben Slon, to Heller, Ben Zion.....	...	2174
American Push Button Telephone Company, to Anders Push Button Telephone Company.....	...	2161

Names changed by court—Continued.

	Chap.	Page.
Anders Push Button Telephone Company, from American Push Button Telephone Company.....	...	2161
Andrews, (A. B.), Company, from Andrews-Rosenwald Company.	2163
Andrews-Rosenwald Company, to A. B. Andrews Company.....	...	2163
Archer, Walter, from Specht, Walter Archer.....	...	2171
Arenth, Helen, to Smith, Helen Arenth.....	...	2166
Aronowitz, Julius, to Aarons, Julius.....	...	2171
Atkin, Edgar, to Atkin, Edgar Maitland.....	...	2165
Atkin, Edgar Maitland, from Atkin, Edgar.....	...	2165
Atlantic Building and Loan Association of Brooklyn, to Atlantic Cooperative Savings and Loan Association.....	...	2154
Atlantic Cooperative Savings and Loan Association, from Atlantic Building and Loan Association of Brooklyn.....	...	2154
Austin, Mary Elvira, from Bohannon, Mary A.....	...	2173
Averbuch, Kalman, to Hoffman, Kalman.....	...	2163
Bailey, Mark, from Cohen, Mark.....	...	2171
Baker Construction and Manufacturing Company, to Subway Engineering and Construction Company.....	...	2162
Banse, Frank Roebling, to Geyser, Frank Roebling Banse.....	...	2169
Barbag, Samuel, from Barbeck, Solomon H.....	...	2156
Barbeck, Solomon H., to Barbeg, Samuel.....	...	2156
Barchan, Annie S., to Barr, Annie S.....	...	2158
Barchan, Martha, to Barr, Martha.....	...	2158
Barchan, Nathan M., to Barr, Nathan M.....	...	2158
Barchan, Rosie, to Barr, Rosie.....	...	2158
Barchan, Solomon A., to Barr, Solomon A.....	...	2158
Bargers, Henry F., from Langjahr, Franz Heinrich.....	...	2174
Barr, Annie S., from Barchan, Annie S.....	...	2158
Barr, Martha, from Barchan, Martha.....	...	2158
Barr, Nathan M., from Barchan, Nathan M.....	...	2158
Barr, Rosie, from Barchan, Rosie.....	...	2158
Barr, Solomon A., from Barchan, Solomon A.....	...	2158
Belley, Isidore, from Bellitz, Izledor.....	...	2168
Bellitz, Izledor, to Belley, Isidore.....	...	2168
Bellmore, Philip, from Bobolsky, Philip.....	...	2164
Bendichsen, Axel O., to Dixon, Axel O.....	...	2174
Bentley, Georgie V., from Van Wicklen, Georgiana.....	...	2156
Berk, Isidore, from Chaimovitz, Schulum.....	...	2170
Bernhard, Bernard Sapovit, from Sapovit, Bernard.....	...	2172
Berovsky, Jacob, to Berow, Alexander David.....	...	2160
Berow, Alexander David, from Berovsky, Jacob.....	...	2160
Black, Samuel, from Swartz, Samuel.....	...	2160
Blauw and Brickner Company, from Blauw and Brickner Drug Company.....	...	2159
Blauw and Brickner Drug Company, to Blauw and Brickner Company.....	...	2159
Blumstein's (L. M.) Employees Mutual Aid Society to Independent Mutual Aid Society.....	...	2162
Boa, Jacob, to Peterson, Jacob.....	...	2159
Bobolsky, Philip, to Bellmore, Philip.....	...	2164
Bockar, John J., from Bokschizky, Jacob J.....	...	2172
Bockman, Ragnvald Z., from Zacharlasen, Ragnvald.....	...	2154
Bohannon, Mary A., to Austin, Mary Elvira.....	...	2173
Bokschizky, Jacob J., to Bockar, John J.....	...	2172
Booth, Sydney, to Booth, Sydney Barton.....	...	2170
Booth, Sydney Barton, from Booth, Sydney.....	...	2170
Borovsky, Heyman, to Brooks, Herman.....	...	2171
Braden, Edward A., from Brading, Edward A.....	...	2169
Bradford, Howard Campbell, from Lund, Arvid.....	...	2167
Brading, Edward A., to Braden, Edward A.....	...	2169
Brand, Herman Solomon, from Brand, Joseph.....	...	2172
Brand, Joseph, to Brand, Herman Solomon.....	...	2172
Braun, Henry, from Mantell, Henry.....	...	2168

Names changed by court—Continued.

	Chap.	Page.
Breitwieser, William Ernest, to Feldman, William Ernest.....	...	2164
Breslow, Joseph, from Brezufsky, Joseph.....	...	2164
Brevsky, Hyman, to Perskin, Hyman.....	...	2156
Brezufsky, Joseph, to Breslow, Joseph.....	...	2164
Brightweaser, Edward, to Hetzel, Edward.....	...	2166
Broadwin, David, from Brodowsky, David.....	...	2171
Broadwin, Louis, from Brodowsky, Louis.....	...	2173
Broadwin, Selig, from Brodowsky, Selig.....	...	2157
Brodowsky, David, to Broadwin, David.....	...	2171
Brodowsky, Louis, to Broadwin, Louis.....	...	2173
Brodowsky, Selig, to Broadwin, Selig.....	...	2157
Brokaw, Isidor D., from Abraskou, Isidor D.....	...	2164
Bronstein, Louis, to Brown, Louis.....	...	2166
Bronx Traction Company, formed by consolidation.....	...	2161
Brooklyn Docks, to Brooklyn Docks & Power Company.....	...	2163
Brooklyn Docks & Power Company, from Brooklyn Docks.....	...	2166
Brookwell and Crane, from Crane and East Company.....	...	2162
Brooks, Herman, from Borovsky, Heyman.....	...	2171
Brooks, Louis R., from Rubensohn, Louis.....	...	2172
Brown Embossing and Stamping Company, merger with William Allen & Company.....	...	2161
Brown, Louis, from Bronstein, Louis.....	...	2166
Brown, William E., from Rolfs, James.....	...	2155
Buckingham, Emma Mary Agnes, to Buckley, Mary Agnes.....	...	2167
Buckley, Mary Agnes, from Buckingham, Emma Mary Agnes..	...	2167
Bungarz, Henry, to Williams, Harry.....	...	2168
Burchard, Jason R., to Mead, Jason R.....	...	2176
Burtack, Peter, to Butkus, Peter.....	...	2156
Butkus, Peter, from Burtack, Peter.....	...	2156
Candee & Smith, to Smith & Howland Company.....	...	2162
Candee, Smith & Howland Company, from Smith & Howland Company.....	...	2162
Cantor, Barnett, from Kantrowitz, Barnet.....	...	2170
Carey, Thomas Francis, to Ludlow, Frank Thomas.....	...	2167
Carl, George, from Mudeking, George.....	...	2156
Caston, Celibas, from Kratky, Frantisek.....	...	2173
Cater-Karr, Edythe, from Kerr, Edythe-Cater.....	...	2169
Catlin, Ira, to West, William.....	...	2178
Central Park Republican Club, consolidated with the Plaza Republican Club, under the name of Plaza-Central Park Republican Club.....	...	2160
Central Tuinucu Sugar Cane Manufacturing Company, to Tuinucu Sugar Company.....	...	2160
Cestaro, Pasquale, to Gast, Charles P.....	...	2159
Cevdaili, Tornato, to Planisani, Cesare.....	...	2171
Chaimovitz, Schulum, to Berk, Isidore.....	...	2170
Chesler, Harris, from Jarmulowsky, Harris.....	...	2169
Chesler, Jacob, from Jarmalowsky, Jacob.....	...	2171
Chesebrough Manufacturing Company, Consolidated, from The Chesebrough Manufacturing Company, Consolidated.....	...	2157
Chesebrough Manufacturing Company, Consolidated (The), to Chesebrough Manufacturing Company, Consolidated.....	...	2157
Chicago Society of New York to Illinois Society of New York.....	...	2163
Chinitaki, Saiah, to Chinski, Saiah.....	...	2168
Chinski, Saiah, from Chinitaki, Saiah.....	...	2168
Clark, Henry Ruppertz, from Ruppertz, Henry William.....	...	2156
Cochrane-Bly Company, from Cochrane-Bly Machine Works.....	...	2159
Cochrane-Bly Machine Works, to Cochrane-Bly Company.....	...	2159
Cohen, Mark, to Bailey, Mark.....	...	2171
Cohen, Max, to Cowen, Max.....	...	2167
Cohn, William Noyes, Jr., to Noyes, William Cohn.....	...	2164
Colasuonno, Leonardo, to Colson, Leonard.....	...	2156

INDEX.

Names changed by court—Continued.

Colson, Leonard, from Colasuonno, Leonardo.....
 Columbia Wine and Liquor Company, consolidated with
 International Wine and Liquor Company.....
 Commercial Newspaper Company, from Haynes (D. O.) &
 pany
 Commonwealth Club of New York City from New Colonial
 of New York.....
 Congregation Hand in Hand of Mott Haven, to Temple Ha
 Hand of the Bronx.....
 Conheady, Michael S., to Smith, Michael Conheady.....
 Consolidated Trading Company, from Moxham-Westcott
 pany
 Continental Trust Company of the City of New York in
 agreement, consolidated with the New York Security
 Trust Company
 Cooper, Harris, from Cuperman, Arris.....
 Costello, Harry Goodyear, from Costello, John Henry.....
 Costello, John Henry, to Costello, Harry Goodyear.....
 Cowen, Max, from Cohen, Max.....
 Cramer, Elsie Annie, to Syska, Elsie Annie.....
 Cramer, Henry Adolph, from Syska, Henry Adolph.....
 Crane and East Company, to Brookwell and Crane.....
 Crane & East Company, to Crane & Jordan.....
 Crane & Jordan, from Crane & East Company.....
 Crest Brand Bandeau Company, from Crest Brand Bando
 pany
 Crest Brand Bando Company, to Crest Brand Bandeau
 pany
 Cuperman, Arris, to Cooper, Harris.....
 Dale, Margaret, from Rosendal, Maud Florence.....
 Daniels, Daniel G., from Goldstein, Daniel M.....
 Davidowitz, David, to Davis, David.....
 Davidowitz, Helen, to Davis, Helen.....
 Davidowitz, Isaac, to Davis, Isaac.....
 Davidowitz, Jacob, to Davis, Jacob.....
 Davidowitz, Laura, to Davis, Laura.....
 Davidowitz, Madeline, to Davis, Madeline.....
 Davidowitz, Morris, to Davis, Morris.....
 Davidowitz, Rose, to Davis, Rose.....
 Davidowitz, Sarah, to Davis, Sarah.....
 Davis, David, from Davidowitz, David.....
 Davis, Helen, from Davidowitz, Helen.....
 Davis, Isaac, from Davidowitz, Isaac.....
 Davis, Jacob, from Davidowitz, Jacob.....
 Davis, Laura, from Davidowitz, Laura.....
 Davis, Madeline, from Davidowitz, Madeline.....
 Davis, Morris, from Davidowitz, Morris.....
 Davis, Rose, from Davidowitz, Rose.....
 Davis, Sarah, from Davidowitz, Sarah.....
 Davis, Walter Moses, from Moses, Walter Davis.....
 De Brabant, Marius, from Van Brabant, Marius Octave.....
 De Le Vergne Machine Company, from De La Vergne Refr
 ating Machine Company.....
 De La Vergne Refrigerating Machine Company, to De La Ve
 Machine Company
 Delovige, Moses, to Harris, Morris.....
 Dilworth, Patrick A., from Dilworth, Perry A.....
 Dilworth, Perry A., to Dilworth, Patrick A.....
 Dixon, Axel O., from Bendichsen, Axel O.....
 Dobbie, Harley Robert, to Harley, Dobbie Robert.....
 Donnelly, Thomas, to Taylor, Thomas J.....
 Donner, David, from Hirschant, David.....

Down Town Hebrew Ladies Benevolent Society, to Hebrew Sisters of Charity	2161
Drew, Jack, from Uiterwijk, John Th.	2168
Dries, Joseph Vanden, to Vandries, Joseph.	2165
Dubois, Samuel, from Dubowitch, Samuel.	2155
Dubowitch, Samuel, to Dubois, Samuel.	2155
Electrical Testing Laboratories, from Lamp Testing Bureau.	2161
Ellenburg, Max, from Katzenelenbogen, Max.	2165
Elson, Louis, from Samlison, Louis.	2172
Empire State Trust Company, merger agreement with the McVickar Realty Trust Company, forming the Empire Trust Company	2161
Empire Steam Laundry Company, consolidated with The Wendell & Evans Company.	2160
Enos Company (The), from Oxley-Enos Company.	2162
Eolian Union Society, from The Italian Benevolent Society, Islands of Lipari and Salina.	2157
Equity Press, from Financial Inquirer Company.	2162
Escoe, Montrose W., from Itskowitz, Montrose W.	2173
Evans, Sadie Titus, from Titus, Sadie W.	2156
Evening Mail Press, to Mail and Express Job Print.	2163
Faber, E. Pencil Company, to Faber, Eberhard Pencil Company.	2156
Faber, Eberhard Pencil Company, from Faber, E., Pencil Company	2156
Farlow, W. E. & Company, from Snow, Farlow & Company.	2160
Felber, Samuel, to Felber, Silas.	2169
Felber, Silas, from Felber, Samuel.	2169
Feinsilber, Lupu, to Silver, William F.	2165
Feldman, William Ernest, from Breitweiser, William Ernest.	2164
Financial Inquirer Company, to Equity Press.	2162
Fisher, Henry A., from Hafisher, Henry.	2164
Fitzer, Walter, to Miller, Walter Fitzer.	2156
Foster Hose Supporter Company, from Patent Holding Company.	2162
Foundation Company, from Foundation & Contracting Company.	2162
Foundation and Contracting Company, to Foundation Company.	2162
Fowler, Lorenzo Niles, to Weser, Lester Niles.	2164
Fox, Jacob, to Fuchs, Jacob.	2174
Francis, Anthony Jaskowski, from Jaskowski, Francis Anthony.	2174
Frankl, Emil, to Franklin, Emil.	2170
Franklin, Emil, from Frankl, Emil.	2170
Freeman (A. A.) Mill Co., to Pelican River Mill Co.	2161
Frothingham, Beatrice Maud, from Nicholson, Beatrice Maud.	2171
Fuchs, Jacob, to Fox, Jacob.	2174
Gast, Charles P., from Cestaro, Pasquale.	2159
Gattle (E. M.) & Co., from Gattle, Stern & Co.	2160
Gattle, Stern & Co., to E. M. Gattle & Co.	2160
Gaynor, Joseph, from Gonorovsky, Joseph.	2171
Gerber, Amelia, to Gilbert, Amelia.	2174
Gerber, Annie H., to Gilbert, Annie H.	2174
Gerber, Joseph S., to Gilbert, Joseph S.	2174
Gerber, Louis, to Gilbert, Louis.	2174
Gerber, Rose, to Gilbert, Rose.	2174
Gerber, Samuel T., to Gilbert, Samuel T.	2174
Gero, Armand, from Grussner, Armin.	2163
Geyser, Frank Roebbling Banse, from Banse, Frank Roebbling.	2160
Gilbert, Amelia, from Gerber, Amelia.	2174
Gilbert, Annie H., from Gerber, Annie H.	2174
Gilbert, Joseph S., from Gerber, Joseph S.	2174
Gilbert, Louis, from Gerber, Louis.	2174
Gilbert, Rose, from Gerber, Rose.	2174
Gilbert, Samuel T., from Gerber, Samuel T.	2174
Godfrey, Marion Isabel, from McKenzie, Marion Isabel.	2160
Goetztenlichter, Louis, to Goetz, Louis.	2165

INDEX.

Names changed by court—Continued.

Goetz, Louis, from Goeltzenlichter, Louis.....
 Goldberg, Charles Isidore, from Goldberg, Isidor.....
 Goldberg, Isidor, to Goldberg, Charles Isidore.....
 Golding, Davis, from Goldstein, David.....
 Goldstein, Daniel M., to Daniels, Daniel G.....
 Goldstein, David, to Golding, Davis.....
 Goldstein, Samuel, to Newman, Samuel.....
 Gonorovsky, Joseph, to Gaynor, Joseph.....
 Grasser, Joseph, from Scheimer, Joseph.....
 Gray, Helen L., from Helene, Helen L.....
 Green, Jacob, from Greenschlag, Jacob.....
 Greenschlag, Jacob, to Green, Jacob.....
 Greudon, Felix, from Hecht, Felix.....
 Grussner, Armin, to Gero, Armand.....
 Hatfisher, Henry, to Fisher, Henry A.....
 Hagopian, Migirdich, to Mehitarian, Migirdich Hagop....
 Harley, Dobbie Robert, from Dobbie, Harley Robert.....
 Harris, Morris, from Delovige, Moses.....
 Harrison, Abe, from Zubrinsky, Abe.....
 Harvis, Joseph, from Horowitz, Joseph.....
 Hastings, Lionel Solomon, from Solomon, Lionel Hastings
 Haynes (D. O.) & Company, to Commercial Newspaper Com
 Hebrew Sisters of Charity, from Down Town Hebrew
 Benevolent Society.....
 Hecht, Felix, to Greudon, Felix.....
 Helene, Helen L., to Gray, Helen L.....
 Hell, Gustav, to Hill, Gustave.....
 Heller, Ben Zion, from Allen, Ben Slon.....
 Helmanowitch, Jacob, to Holman, Jacob.....
 Helm, Herman H., to Primavesi, Herman H.....
 Heitman, Charles E., & Company, from Charles A. To
 Co.....
 Herzog, Clara, from Sellar, Clara.....
 Hetzel, Edward, from Brightweaser, Edward.....
 Hill, Gustave, from Hell, Gustave.....
 Himmel, Isaac, from Ruenstein, Isaac.....
 Hindt, William A., to Wolter, William A.....
 Hirschant, David, to Donner, David.....
 Hoffman, Kalman, from Averbuch, Kalman.....
 Holland Art Manufacturing Company, from Holland Pyro
 Holland Pyro Art Co., to Holland Art Manufacturing Comp
 Hollender, Samuel, from Pokroisky, Samuel.....
 Holman, Jacob, from Helmanowitch, Jacob.....
 Horowitz, Joseph, to Harvis, Joseph.....
 Illinois Society of New York, from Chicago Society of New
 Imboden Coal & Coke Company, formed by consolidati
 Imboden Coke Company and Imboden Coal Company...
 Imboden Coal Company consolidated with Imboden Coke
 pany, forming Imboden Coal & Coke Company.....
 Imboden Coke Company consolidated with Imboden Coal
 pany, forming Imboden Coal & Coke Company.....
 Imperial Electric Lamp Company, to Imperial Electric Mfg
 Imperial Electric Mfg Co., from Imperial Electric Lamp
 pany.....
 Independent Mutual Aid Society, from Blumstein's (I
 Employees Mutual Aid Society.....
 Indlekofer, James F., to Morrissey, James F.....
 International Alumni, to National Alumni.....
 International Wine & Liquor Company, from Columbia W
 Liquor Company.....
 Irish Industrial League of America, to Irish Industrial S
 of America.....

Irish Industrial Society of America, from Irish Industrial League of America.....	2161
Italian Benevolent Society Islands of Lipari and Salina, The, to Eolian Union Society.....	2157
Italian National Society of Mutual Aid, from Societa Italiana di Mutuo Soccorso.....	2156
Itzkowitz, Montrose W., to Escoe, Montrose W.....	2173
Jacobs, Adam, to Konrad, Adam.....	2170
Jacobs, Jacob Richard, from Jacobwitz, Jacob.....	2174
Jacobwitz, Jacob, to Jacobs, Jacob Richard.....	2174
Janowsky, William, to Julian, William.....	2168
Jarmalowsky, Jacob, to Chesler, Jacob.....	2171
Jarmulowsky, Abraham I., to Jordan, Abraham I.....	2170
Jarmulowsky, Harris, to Chesler, Harris.....	2169
Jaskow, Samuel, from Jaskowitz, Samuel.....	2163
Jaskowitz, Samuel, to Jaskow, Samuel.....	2163
Jaskowski, Francis Anthony, to Francis, Anthony Jaskowski....	2174
Jerome, Alexander Peter, from Jerozinski, Alexander Peter.....	2172
Jerozinski, Alexander Peter, to Jerome, Alexander Peter.....	2172
Johnson, Barry Edwin, from Prax, Barry Edwin.....	2169
Johnson, Charles August, to Adler, Charles August.....	2154
Johnson, Charles John, to Lundberg, Charles John.....	2156
Johnson, William Vail, to Vail, William Walter.....	2175
Jordan, Abraham I., from Jarmulowsky, Abraham I.....	2170
Julian, William, from Janowsky, William.....	2168
Kabat, Samuel, from Kabatchnick, Samuel.....	2168
Kabatchnick, Samuel, to Kabat, Samuel.....	2168
Kadin, Samuel, from Koodinofsky, Samuel.....	2170
Kahl, Eva, from Kalwisky, Eva.....	2175
Kahl, Rebecca, from Kalwisky, Rebecca.....	2175
Kahl, Samuel, from Kalwisky, Samuel.....	2175
Kahl, William J., from Kalwisky, William J.....	2173
Kalfsky, Jacob, to Kraft, Jacob.....	2155
Kalwisky, Eva, to Kahl, Eva.....	2175
Kalwisky, Rebecca, to Kahl, Rebecca.....	2175
Kalwisky, Samuel, to Kahl, Samuel.....	2175
Kalwisky, William J., to Kahl, William J.....	2175
Kantrowitz, Barnet, to Cantor, Barnet.....	2170
Karlin, William, from Karlinsky, William.....	2166
Karlinsky, William, to Karlin, William.....	2166
Katz, Isaac, from Katzuk, Isaac.....	2171
Katzenelenbogen, Max, to Ellenburg, Max.....	2165
Katznelson, Bendet, to Nelson, Bendet.....	2168
Katzuk, Isaac, to Katz, Isaac.....	2171
Kazan, Abraham B., from Kazanjoylou, Abraham.....	2166
Kazan, George, from Kazanjoylou, George.....	2167
Kazan, Maria, from Kazanjoylou, Maria.....	2166
Kazan, Serafim, from Kazanjoylou, Serafim.....	2166
Kazanjoylou, Abraham E., to Kazan, Abraham E.....	2166
Kazanjoylou, George, to Kazan, George.....	2167
Kazanjoylou, Maria, to Kazan, Maria.....	2166
Kazanjoylou, Serafim, to Kazan, Serafim.....	2166
Kemp, Bernhard, from Kempinski, Bernhard.....	2166
Kempinski, Bernhard, to Kemp, Bernhard.....	2166
Kerr, Edythe Cater, to Cater-Karr, Edythe.....	2169
Kilpatrick, Andrew A., to Kirkpatrick, Andrew A.....	2155
Kilpatrick, Isabelle T., to Kirkpatrick, Isabelle T.....	2155
Kilpatrick, Jane, to Kirkpatrick, Jane.....	2155
Kirkpatrick, Andrew A., from Kilpatrick, Andrew A.....	2155
Kirkpatrick, Isabelle T., from Kilpatrick, Isabelle T.....	2155
Kirkpatrick, Jane, from Kilpatrick, Jane.....	2155
Kletzky, Louis, to Kley, Louis.....	2164
Kley, Louis, from Kletzky, Louis.....	2164

INDEX.

Names changed by court—Continued:

Knudsen, Charles Christian, to Willson, Charles Christian..
 Knudsen, James Edward, to Wilson, James Edward.....
 Knudsen, John Peter, to Willson, John Peter.....
 Knudsen, Peter William, to Willson, Peter William.....
 Koelotkowski, Frank Xavier, to Murawski, Frank Xavier..
 Koenig, Adolph, to Koenig-King, Adolph.....
 Koenig-King, Adolph, from Koenig, Adolph.....
 Kombroske, John J., to Smith, John J.....
 Konop, George, from Konopinski, George.....
 Konop, Wlady, from Konopinski, Wladyslaw.....
 Konopinski, George, to Konop, George.....
 Konopinski, Wladyslaw, to Konop, Wlady.....
 Konrad, Adam, from Jacobs, Adam.....
 Koodinofsky, Samuel, to Kadin, Samuel.....
 Kopple, (M. D.) Company, from Union Stores Corporation..
 Kracke, Joseph, from Levy, Joseph.....
 Kraft, Jacob, from Kalfsky, Jacob.....
 Kratky, Frantisek, to Caston, Celbas.....
 Kubitzky, Max, to Kuby, Max.....
 Kuby, Max, from Kubitzky, Max.....
 Lachmanski, Agnes Carruth, to Lackman, Agnes Carruth...
 Lachmanski, Agnes Marie, to Lackman, Agnes Marie.....
 Lachmanski, Charles Guy, to Lackman, Charles Guy.....
 Lachmanski, Theodore, to Lackman, Theodore.....
 Lackman, Agnes Carruth, from Lachmanski, Agnes Carruth..
 Lackman, Agnes Marie, from Lachmanski, Agnes Marie.....
 Lackman, Charles Guy, from Lachmanski, Charles Guy.....
 Lackman, Theodore, from Lachmanski, Theodore.....
 Ladin, Abraham, from Wladimirsky, Abraham.....
 Ladin, Isidore, from Wladimirsky, Isidore.....
 Lamp Testing Bureau, to Electrical Testing Laboratories...
 Lang, Charles, from Lavenski, Charles.....
 Langjahr, Franz Heinrich, to Borgers, Henry F.....
 Lasker, Newman, from Lasky, Newman.....
 Laskin, David, from Marcus, David.....
 Lasky, Newman, to Lasker, Newman.....
 Lathop, William S., from Levy, William S.....
 Lavenski, Charles, to Lang, Charles.....
 Lawyers' Mortgage Company, from Lawyers Mortgage Insura
 Company
 Lawyers Mortgage Insurance Company, to Lawyers Mortg
 Company
 Lay, Carrie Louise, to Leigh, Carrie Louise.....
 Lazar, Morris, from Lazarovic, Morris.....
 Lazarovic, Morris, to Lazar, Morris.....
 Lebel, Sigmund, from Löbl, Sigmund.....
 Lebenschuss, Abraham, to Reder, Abraham.....
 Lebenschuss, Gertrude, to Reder, Gertrude.....
 Lebenschuss, Gussie, to Reder, Gussie.....
 Lebenschuss, Isidore, to Reder, Isidore.....
 Lebenschuss, Louis, to Reder, Louis.....
 Lebovelics, Wlcter, to Lebovitz, Victor.....
 Lebovitz, Victor, from Lebovelics, Wlcter.....
 Lechner, Alfred, from Loewy, Alfred.....
 Lefkowitz, Samuel A., to Lewis, Samuel A.....
 Leigh, Carrie Louise, from Lay, Carrie Louise.....
 Lemon, Harold T., from Ochsenreiter, Harold T.....
 Le Roy Hydraulic Electric Company, to Le Roy Hydrolie Elec
 Gas Company.....
 Le Roy Hydrolie Electric Gas Company, from Le Roy Hydra
 Electric Company.....
 Levy, Joseph, to Kracke, Joseph.....

Levy, William S., to Lathrop, William S.....	2164
Lewis, Samuel A., from Lefkowitz, Samuel A.....	2173
Littell, Matilda Roome, to Roome, Matilda.....	2178
Livingston & Riegel Company, to Riegel & Roos Company.....	2162
Löbl, Sigmund, to Lebel, Sigmund.....	2168
Lockman, Percival Glenroy Ullman, to Ullman, Percival Glenroy.....	2156
Loewy, Alfred, to Lechner, Alfred.....	2175
Lubar, Louis Henry, from Lubarsky, Louis Henry.....	2165
Lubarsky, Louis Henry, to Lubar, Louis Henry.....	2165
Ludlow, Frank Thomas, from Carey, Thomas Francis.....	2167
Lund, Arvid, to Bradford, Howard Campbell.....	2167
Lundberg, Charles John, from Johnson, Charles John.....	2156
Mack, John Herbert, from McArdle, John.....	2168
Magdalin, John, from Magdalinski, John.....	2167
Magdalinski, John, to Magdalin, John.....	2167
Mail and Express Job Print, from Evening Mail Press.....	2168
Malden, William Maloney, from Maloney, William Henry.....	2164
Maloney, William Henry, to Malden, William Maloney.....	2164
Mannes, Lena, from Monashewitz, Lena.....	2165
Mansfield, Albert M., from Marcus, Albert.....	2165
Mantell, Henry, to Braun, Henry.....	2168
Marchiony Ice Cream Company, consolidated with the Vienna Ice Cream Company, forming the Vienna Ice Cream Company..	2165
Marcus, Albert, to Mansfield, Albert M.....	2165
Marcus, David, to Laskin, David.....	2157
Maremvinsky, Meyer, to Marvin, Meyer.....	2158
Maret, David Anson, from Maretsky, David.....	2166
Maretsky, David, to Maret, David Anson.....	2166
Mark, Joseph, from Markheiser, Joseph.....	2158
Markheiser, Joseph, to Mark, Joseph.....	2158
Marks, Edward B., from Marks, Isaac B.....	2172
Marks, Isaac B., to Marks, Edward B.....	2172
Marschewski, Albert, to Marsh, Albert.....	2155
Marsh, Albert, from Marchewski, Albert.....	2155
Marsh, Henry Michael, from Sablotzky, Harry.....	2172
Marvin, Meyer, from Maremvinsky, Meyer.....	2158
Mason, Gabriel R., from Moseson, Gabriel R.....	2166
Mead, Jason R., from Burchard, Jason R.....	2176
Mehitarian, Migirdich Hagop, from Hagopian, Migirdich.....	2168
Metropolitan Plate Glass & Casualty Insurance Company of New York, from Metropolitan Plate Glass Insurance Company of New York.....	2160
Metropolitan Plate Glass Insurance Company of New York, to Metropolitan Plate Glass & Casualty Insurance Company of New York.....	2160
Metropolitan Riding Club, Limited, to Metropolitan Riding School.....	2176
Metropolitan Riding School, from Metropolitan Riding School, Limited.....	2176
Meyers, Maxwell, from Warshawski, Maxwell Meyers.....	2154
McArdle, John or John McDermott, to Mack, John Herbert.....	2168
McDermott, John, or John McArdle, to Mack, John Herbert.....	2168
McDonald, Dwight, from McDonald, Theodore Dwight.....	2167
McDonald, John, from McDonnell, John J.....	2173
McDonald, Theodore Dwight, to McDonald, Dwight.....	2167
McDonnell, John J., to McDonald, John.....	2173
McKenzie, Marlon Isabel, to Godfrey, Marlon Isabel.....	2169
McVickar Realty Trust Company, merger agreement with the Empire State Trust Company, forming the Empire Trust Com- pany.....	2161
Middendorf, Charles Hollings, from Middendorf, Charles Thomas Walter.....	2155

INDEX.

Names changed by court—Continued:

Middendorf, Charles Thomas Walter, to Middendorf, Char
 Hollings
 Miller, Walter Fitzer, from Fitzer, Walter.....
 Misericordia Hospital, from New York Mothers Home of the S
 ters of Misericorde.....
 Monoshewitz, Lena, to Mannes, Lena.....
 Moquin, Offerman, Heissenbittel Coal Company, to Moquin Off
 man Wells Coal Company.....
 Moquin, Offerman Wells Coal Company, from Moquin, Offerma
 Heissenbittel Coal Company.....
 Morell, Anthony Urban, from Urbanczyk, Anthony.....
 Morrill, Frank T., Jr., to Morrill, Whitney George.....
 Morrill, Whitney George, from Morrill, Frank T., Jr.....
 Morrissey, James F., from Indlekofer, James F.....
 Moses, Walter Davis, to Davis, Walter Moses.....
 Moseson, Gabriel R., to Mason, Gabriel R.....
 Moskowitz, Abraham, to Moss, Abraham.....
 Moskowitz, Benjamin, to Moss, Benjamin.....
 Moskowitz, Louis J., to Moss, Louis J.....
 Moss, Abraham, from Moskowitz, Abraham.....
 Moss, Benjamin, from Moskowitz, Benjamin.....
 Moss, Louis J., from Moskowitz, Louis J.....
 Moxham-Westcott Company, to The Consolidated Trading Co
 pany
 Müdeking, George, to Carl, George.....
 Murawski, Frank Xavier, from Koelotkowski, Frank Xavier..
 Myers, Aaron, to Myers, Edward Aaron.....
 Myers, Edwin Aaron, from Myers, Aaron.....
 Napstek, Frederick, to Thimble, Frederick.....
 Narins, Joshua, from Narinsky, Joshua.....
 Narins, Julia, from Narinsky, Julia.....
 Narins, Samuel, from Narinsky, Samuel.....
 Narins, Sarah, from Narinsky, Sarah.....
 Narins, Sophia, from Narinsky, Sophia.....
 Narinsky, Joshua, to Narins, Joshua.....
 Narinsky, Julia, to Narins, Julia.....
 Narinsky, Samuel, to Narins, Samuel.....
 Narinsky, Sarah, to Narins, Sarah.....
 Narinsky, Sophia, to Narins, Sophia.....
 Nash, Jacob, from Nashinsky, Jacob.....
 Nash, Samuel, from Nashinsky, Samuel.....
 Nashinsky, Jacob, to Nash, Jacob.....
 Nashinsky, Samuel, to Nash, Samuel.....
 National Alumni, from International Alumni.....
 Nelson, Bendet, from Katznelson, Bendet.....
 Nestor, Charles Edward, from Nowaski, Charles Edward.....
 New Colonial Club of New York, to Commonwealth Club of Ne
 York City.....
 Newman, Samuel, from Goldstein, Samuel.....
 New York Mothers Home of the Sisters of Misericorde, to Miser
 cordia Hospital.....
 New York Security and Trust Company, merger agreement wit
 the Continental Trust Company of the City of New York.....
 Nicholson, Beatrice Maud, to Frothingham, Beatrice Maud.....
 Nottlinger, John, to Slegling, John.....
 Novacovich, John, to Noval, John.....
 Novacovich, Minnie, to Noval, Minnie.....
 Noval, John, from Novacovich, John.....
 Noval, Minnie, from Novacovich, Minnie.....
 Novom, Solomon, from Novomesky, Samuel.....
 Novomesky, Samuel, to Novom, Solomon.....

Names changed by court—Continued:

	Chap.	Page.
Nowoski, Charles Edward, to Nestor, Charles Edward.....	...	2168
Noyes, William Cohn, from Cohn, William Noyes, Jr.....	...	2164
Ochsenreiter, Harold T., to Lemon, Harold T.....	...	2173
O'Malley, Michael Power, from Power, Michael.....	...	2167
Oxley, Enos Company, to The Enos Company.....	...	2162
Oxzyn Chemical Company, to Oxzyn Company.....	...	2163
Oxzyn Company, from Oxzyn Chemical Company.....	...	2163
Page, Elizabeth Christinna, from Petsch, Elizabeth Christinna..	...	2165
Page, Robert Rudolph, from Petsch, Robert Rudolph.....	...	2165
Page, Rosa Mary Pauline, from Petsch, Rosa Mary Pauline.....	...	2165
Page, William Albert, from Petsch, William Albert.....	...	2165
Palmer, Nathan, from Peatchirsky, Nathan.....	...	2168
Payitz, Wolf, to Wolf, Paul.....	...	2168
Paraskevas, Andreas, to Parrish, Andrew.....	...	2168
Parker, John S., from Skinner, John P.....	...	2156
Parrish, Andrew, from Paraskevas, Andreas.....	...	2168
Patent Holding Company, to Foster Hose Supporter Company..	...	2162
Peatchirsky, Nathan, to Palmer, Nathan.....	...	2168
Pelican River Mill Co., from Freeman (A. A.) Mill Co.....	...	2161
Perskin, Hyman, from Brevsky, Hyman.....	...	2158
Peterson, Jacob, from Boa, Jacob.....	...	2159
Petsch, Elizabeth Christinna, to Page, Elizabeth Christinna....	...	2165
Petsch, Robert Rudolph, to Page, Robert Rudolph.....	...	2165
Petsch, Rosa Mary Pauline, to Page, Rosa Mary Pauline.....	...	2165
Petsch, William Albert, to Page, William Albert.....	...	2165
Pianisani, Cesare, from Ceviddali, Tornato.....	...	2171
Plaza Republican Club, consolidated with the Central Park Republican Club, under the name of Plaza-Central Park Republican Club.....	...	2160
Pokrolsky, Samuel, to Hollender, Samuel.....	...	2173
Pope, Christopher Herman, from Popp, Christopher Herman....	...	2168
Popp, Christopher Herman, to Pope, Christopher Herman.....	...	2168
Power, Michael, to O'Malley, Michael Power.....	...	2167
Prax, Barry Edwin, to Johnson, Barry Edwin.....	...	2169
Primavesi, Herman H., from Helm, Herman H.....	...	2171
Proses, Armand, from Prozesky, Armand.....	...	2158
Proses, Lillian, from Prozesky, Lillian.....	...	2158
Proses, Margaret, from Prozesky, Margaret.....	...	2158
Proses, William, from Prozesky, William.....	...	2158
Prozesky, Armand, to Proses, Armand.....	...	2158
Prozesky, Lillian, to Proses, Lillian.....	...	2158
Prozesky, Margaret, to Proses, Margaret.....	...	2158
Prozesky, William, to Proses, William.....	...	2158
Pull, Carl, to Trcka, Carl.....	...	2156
Pull, Joseph, to Trcka, Joseph.....	...	2156
Rabinowitz, Aaron, to Robbins, Aaron.....	...	2171
Rabinowitz, Barnet R., to Robbins, Barnet R.....	...	2171
Rabinowitz, Jacob, to Robbins, Jacob.....	...	2168
Rabinowitz, Jacob, to Robbins, Jacob John.....	...	2171
Rabinowitz, Louis, to Robbins, Louis.....	...	2171
Rabinowitz, Naiman, to Ross, Nathan.....	...	2171
Rabinowitz, Siegfried H., to Robbins, Siegfried M.....	...	2170
Ratkowsky, Morris P., to Roth, Morris P.....	...	2164
Ratkowsky, Moses L., to Roth, Moses L.....	...	2172
Reder, Abraham, from Lebenschuss, Abraham.....	...	2164
Reder, Gertrude, from Lebenschuss, Gertrude.....	...	2164
Reder, Gussie, from Lebenschuss, Gussie.....	...	2164
Reder, Isidore, from Lebenschuss, Isidore.....	...	2164
Reder, Louis, from Lebenschuss, Louis.....	...	2164
Regal Piano & Player Co., from Regal Piano Player Co.....	...	2160
Regal Piano Player Co., to Regal Piano & Player Co.....	...	2160
Remi, Maurice, from Rosenberg, Maurice.....	...	2170

INDEX.

Names changed by court—Continued:

Riegel & Ross Company, from Livingston & Riegel Company.
 Robbins, Aaron, from Rabinowitz, Aaron.....
 Robbins, Barnet R., from Rabinowitz, Barnet R.....
 Robbins, Jacob, from Rabinowitz, Jacob.....
 Robbins, Jacob John, from Rabinowitz, Jacob.....
 Robbins, Louis, from Rabinowitz, Louis.....
 Robbins, Siegfried M., from Rabinowitz, Siegfried H.....
 Rochester Home of Industry, to Saint Ann's Home for the Aged.....
 Roebuck S., Company, to Roebuck Weather Strip and Wire Screen Company.....
 Roebuck S., Company, to Roebuck Weather Strip & Wire Screen Company.....
 Roebuck Weather Strip and Wire Screen Company, from S. Roebuck Company.....
 Roebuck Weather Strip & Wire Screen Company, from S. Roebuck Company.....
 Rogers, Andrew, from Yanowitch, Andrew.....
 Roland, Edwin, from Schnutenhaus, Edwin Roland.....
 Rolfs, James, to Brown, William E.....
 Roome, Matilda, from Littell, Matilda Roome.....
 Rose, Abel, from Rosofsky, Abraham.....
 Rosenberg, Maurice, to Remi, Maurice.....
 Rosenberg, Samuel Rosenblum, from Rosenblum, Samuel.....
 Rosenblum, Samuel, to Rosenberg, Samuel Rosenblum.....
 Rosendale, Maud Florence, to Dale, Margaret.....
 Rosofsky, Abraham, to Rose, Abel.....
 Ross, Nathan, from Rabinowitz, Naiman.....
 Roth, Morris P., from Ratkowsky, Morris P.....
 Roth, Moses L., from Ratkowsky, Moses L.....
 Rovins, Alexander, from Rovinsky, Alexander.....
 Rovinsky, Alexander, to Rovins, Alexander.....
 Rubensohn, Louis, to Brooks, Louis R.....
 Rubenstein, Isaac, to Himmel, Isaac.....
 Rubenstein, Jacob, to Ruby, James.....
 Ruby, James, from Rubenstein, Jacob.....
 Ruppertz, Henry William, to Clark, Henry Ruppertz.....
 Sablotzky, Harry, to Marsh, Henry Michael.....
 Sadowsky, Jacob, to Sand, Jacob.....
 Saint Ann's Home for the Aged, from Rochester Home of Industry.....
 Samilson, Louis, to Elson, Louis.....
 Sand, Jacob, from Sadowsky, Jacob.....
 Sapovit, Bernard, to Bernhard, Bernard Sapovit.....
 Schecker, Frederick Herbert, to Tiedeman, Frederick Herbert.....
 Schelmer, Joseph, to Grasser, Joseph.....
 Schemerhorn, James A., from Spicer, Arthur J.....
 Schereschewsky, Eugene, to Sherry, Eugene.....
 Scherri, Eugene, to Sherry, Eugene.....
 Schnutenhaus, Edwin Roland, to Roland, Edwin.....
 Schoenthal, Max, to Shontal, Max.....
 Schwartz, Samuel, to Black, Samuel.....
 Seeliger, Jacob William, to Willets, Jacob William.....
 Seiler, Clara, to Herzog, Clara.....
 Sellman, Max, from Zelmanowitz, Max.....
 Seward, William Charles, to Webster, Daniel W.....
 Shack, Samuel M., from Shacknowitz, Samuel M.....
 Shacknowitz, Samuel M., to Shack, Samuel M.....
 Sherry, Eugene, from Schereschewsky, Eugene, or Scherri, Eugene.....
 Shlanowsky, Isadore Nathaniel, to Sloane Nathaniel Isadore.....
 Shoboda, Charles J., to Adams, Charles J.....
 Shontal, Max, from Schoenthal, Max.....
 Sidenberg, Alfred Henry, from Sidenberg, Alfred Stanley.....

Names changed by court—Continued:

	Chap.	Page.
Sidenberg, Alfred Stanley, to Sidenberg, Alfred Henry.....	...	2167
Siegling, John, from Nottlinger, John.....	...	2156
Sigal, Aaron, from Sigalowitz, Aaron.....	...	2167
Sigalowitz, Aaron, to Sigal, Aaron.....	...	2167
Silver, William F., from Feinsilber, Lupu.....	...	2163
Simpson, David P., from Smolinsky, David P.....	...	2169
Sink, Isaac L., to Zinke, Isaac L.....	...	2165
Skern, Abraham Marcus, from Skernewitch, Abraham Marcus....	...	2172
Skernewitch, Abraham Marcus, to Skern, Abraham Marcus....	...	2172
Skinner, John P., to Parker, John S.....	...	2156
Sloane, Nathaniel Isadore, from Shlanowsky, Isadore Nathaniel..	...	2173
Slutsky, Jacob, to Smith, John.....	...	2173
Slutzke, William, from Slutzky, William.....	...	2172
Slutzky, William, to Slutzke, William.....	...	2172
Smith & Howland Company, from Candee and Smith.....	...	2162
Smith & Howland Company, to Candee, Smith & Howland Com- pany.....	...	2162
Smith, Helen Arenth, from Arenth, Helen.....	...	2166
Smith, John, from Slutsky, Jacob.....	...	2173
Smith, John J., from Kombroske, John J.....	...	2166
Smith, Michael Conheady, from Conheady, Michael S.....	...	2172
Smithson-Dewsnap Corporation, to Uplift Publishing Company...	...	2161
Smolinsky, David P., to Simpson, David P.....	...	2169
Snow, Farlow & Company, to W. E. Farlow & Company.....	...	2160
Societa Italiana di Mutuo Soccorso, to Italian National Society of Mutual Aid.....	...	2156
Solomon, Lionel Hastings, to Hastings, Lionel Solomon.....	...	2164
Solovel, Jacob, from Soloweltzik, Jacob.....	...	2156
Soloweltzik, Jacob, to Solovel, Jacob.....	...	2156
Somerville, Benjamin, from Somowitz, Benjamin.....	...	2171
Somerville, Max, from Somowitz, Max.....	...	2171
Somowitz, Benjamin, to Somerville, Benjamin.....	...	2171
Somowitz, Max, to Somerville, Max.....	...	2171
Specht, Walter Archer, to Archer, Walter.....	...	2171
Spicer, Arthur J., to Schemerhorn, James A.....	...	2152
Sprague, Fritz Paul, from Sprick, Fritz Paul.....	...	2168
Sprick, Fritz Paul, to Sprague, Fritz Paul.....	...	2168
Squire, Moses, from Squirsky, Moses.....	...	2172
Squirsky, Moses, to Squire, Moses.....	...	2172
Staff, Emanuel, from Stavsky, Emanuel.....	...	2154
Stavsky, Emanuel, to Staff, Emanuel.....	...	2154
Steinman, Michael, from Stone, Michael.....	...	2155
Steinway, Richard William, to Steinway, William Richard.....	...	2167
Steinway, William Richard, from Steinway, Richard William...	...	2167
Stone, Michael, to Steinman, Michael.....	...	2155
Subway Engineering and Construction Company, from Baker Construction and Manufacturing Company.....	...	2162
Suburban Traction Company, consolidation agreement forming The Bronx Traction Company.....	...	2161
Syska, Elsie Anne, to Cramer, Elsie Annie.....	...	2168
Syska, Henry Adolph, to Cramer, Henry Adolph.....	...	2168
Taylor, Thomas J., from Donnelly, Thomas.....	...	2156
Tell, Julius Lion, from Tollinsky, Juda Lieb.....	...	2173
Temple Hand in Hand of the Bronx, from Congregation Hand in Hand of Mott Haven.....	...	2162
Thimble, Frederick, from Naprstek, Frederick.....	...	2168
Thompson, Alice Marie, from Toblassen, Alice Marie.....	...	2153
Thompson, Edward N., from Toblassen, Edward N.....	...	2153
Thompson, Emil Marinus, from Toblassen, Emil Marinus.....	...	2153
Thompson, Inborg M., from Toblassen, Inborg M.....	...	2153
Thompson, Inga Matilda, from Toblassen, Inga Matilda.....	...	2153
Thompson, Nellie, from Toblassen, Nellie.....	...	2153
Thompson, Willie Arthur, from Toblassen, Willie Arthur.....	...	2153

INDEX.

Names changed by court—Continued:

Tiedeman, Frederick Herbert, from Schecker, Frederick Herb
 Titus, Sadie W., to Evans, Sadie Titus.....
 Toblassen, Alice Marie, to Thompson, Alice Marie.....
 Toblassen, Edward N., to Thompson, Edward N.....
 Toblassen, Emil Marinus, to Thompson, Emil Marinus.....
 Toblassen, Inborg M., to Thompson, Inborg M.....
 Toblassen, Inga Matilda, to Thompson, Inga Matilda.....
 Toblassen, Nellie, to Thompson, Nellie.....
 Toblassen, Willie Arthur, to Thompson, Willie Arthur.....
 Tollinsky, Juda Leib, to Tell, Julius Lion.....
 Towne (Charles A.) & Co., to Charles E. Heitman & Compan
 Trcka, Carl, from Pull, Carl.....
 Trcka, Joseph, from Pull, Joseph.....
 Tuinucu Sugar Company, from Central Tuinucu Sugar C
 Manufacturing Company.....
 Ullman, Percival Glenroy, from Lockman, Percival Glen
 Ullman.....
 Union Stores Corporation, consolidated with M. D. Kopple C
 pany.....
 Uplift Publishing Company, from Smithson-Dewsnay Corpo
 tion.....
 Urbanczyk, Anthony, to Morell, Anthony Urban.....
 Uiterwijk, John Th., to Drew, Jack.....
 Vail, William Walter, from Johnson, William Vail.....
 Van Brabant, Marius Octave, to de Brabant, Marius.....
 Vandries, Joseph, from Drica, Joseph Vanden.....
 Van Nest, West Farms and Westchester Traction Company, c
 solidation agreement forming The Bronx Traction Compan
 Van Wicklen, Georgiana, to Bentley, George V.....
 Vienna Ice Cream Co., formed by consolidation of Marchlon
 Cream Company and Vienna Ice Cream Company.....
 Vienna Ice Cream Company, consolidated with the Marchlo
 Ice Cream Company, forming the Vienna Ice Cream Co....
 Vogel, Joseph, from Vogelfanger, Joseph.....
 Vogelfanger, Joseph, to Vogel, Joseph.....
 Volpato, Luigi, from Woll, Louis.....
 Wahlheimer, Jacob, to Wall, John.....
 Wakefeld and Westchester Traction Company, consolidat
 agreement forming The Bronx Traction Company.....
 Waldman, Isidore, from Wiederhorn, Isidore.....
 Wall, John, from Wahlheimer, Jacob.....
 Walton, Benjamin, from Warsawski, Benjamin.....
 Walton, Jacob, from Warsawski, Jacob.....
 Warsawski, Benjamin, to Walton, Benjamin.....
 Warsawski, Jacob, to Walton, Jacob.....
 Warshaw, Israel, from Warshofsky, Israel.....
 Warshawski, Maxwell Meyers, to Meyers, Maxwell.....
 Warshofsky, Israel, to Warshaw, Israel.....
 Wartel, Charles, from Wartelsky, Charles.....
 Wartelsky, Charles, to Wartel, Charles.....
 Webster, Daniel W., from Seward, William Charles.....
 Weinstein, Albert, to Winsten, Albert.....
 Whitelaw, Max, from Weislowitz, Max.....
 Wendell & Evans Company, to Empire Steam Laundry Compan
 Werner, Benjamin W., from Wilensky, Benjamin.....
 Weser, Lester Niles, from Fowler, Lorenzo Niles.....
 West Farms and Westchester Traction Company, consolidati
 agreement forming The Bronx Traction Company.....
 West, William, from Catlin, Ira.....
 West, William H., from Westphalinger, William H.....
 Westphalinger, William H., to West, William H.....
 White, Susan Elizabeth, to White, Violetta Susan Elizabeth...
 White, Violetta Susan Elizabeth, from White, Susan Elizabeth.

Names changed by court—Continued:

	Chap.	Page.
Whitelaw, Max, from Weisbowitz, Max.....	...	2173
Wicks, Milton Langley, from Woodham, Milton Langley.....	...	2164
Wiederhorn, Isidore, to Waldman, Isidore.....	...	2166
Wiesenthal, Aisk, to Wiesenthal, Israel.....	...	2167
Wiesenthal, Israel, from Wiesenthal, Aisk.....	...	2167
Wiessner, Arthur Oscar, from Wiessner, Oscar Erwin Arthur, junior	2157
Wiessner, Oscar Erwin Arthur, junior, to Wiessner, Arthur Oscar.	2157
Wilensky, Benjamin, to Werner, Benjamin W.....	...	2171
Willets, Jacob William, from Seeliger, Jacob William.....	...	2167
Williams, Harry, from Bungarz, Henry.....	...	2168
Williams, Dr. L. R., from Dr. L. R. Williams & Co.....	...	2160
Williams, Dr. L. R., & Co., to Dr. L. R. Williams.....	...	2160
Williamsbridge and Westchester Traction Company, consolidation agreement forming The Bronx Traction Company.....	...	2161
Wilson, Charles Christian, from Knudsen, Charles Christian.....	...	2157
Wilson, James Edward, from Knudsen, James Edward.....	...	2157
Wilson, John Peter, from Knudsen, John Peter.....	...	2157
Wilson, Peter William, from Knudsen, Peter William.....	...	2157
Winsten, Albert, from Weinstein, Albert.....	...	2167
Wladimirsky, Abraham, to Ladin, Abraham.....	...	2164
Wladimirsky, Isidore, to Ladin, Isidore.....	...	2164
Wolf, Paul, from Panitz, Wolf.....	...	2166
Wolfman, Henry, from Wolfmann, Harris.....	...	2158
Wolfmann, Harris, to Wolfman, Henry.....	...	2158
Wolins, Jacob, from Wolinski, Jacob.....	...	2173
Wolinski, Jacob, to Wolins, Jacob.....	...	2173
Woll, Louis, to Volpato, Luigi.....	...	2167
Wolter, William A., from Hindt, William A.....	...	2159
Woodham, Milton Langley, to Wicks, Milton Langley.....	...	2164
Yanowitch, Andrew to Rogers, Andrew.....	...	2154
Zachariasen, Ragnvald, to Bockman, Ragnvald Z.....	...	2154
Zelmanwitz, Max, to Sellman, Max.....	...	2170
Zinke, Isaac L., from Sink, Isaac L.....	...	2165
Zubirinsky, Abe, to Harrison, Abe.....	...	2164

Nassau county:

highways, macadamized, preservation of, act amended.....	378	891
town officers, annual compensation to be fixed by town boards...	128	189

Nassau Trust Company:

accounts of, for taxes paid, comptroller to readjust.....	756	2127
---	-----	------

National guard:

adjutant-general, assistant and clerks, appropriation for.....	699	1921
adjutant-general authorized to sell military equipment to United States war department.....	11	13
adjutant-general, compilation of war records by, appropriation for	700	1966
adjutant-general, salary, appropriation for.....	699	1921
allowances to headquarters, appropriation for.....	699	1922
allowances to officers, for uniform and equipment, appropriation for	699	1922
armory at Whitehall, materials furnished by Sullivan, J. H., appropriation for.....	700	1967
armory commission, repairs of armories, camp grounds and rifle ranges, appropriation for.....	700	1967
arms, uniforms and equipments, military code amended.....	617	1511
Broome county, reimbursement of, for heating apparatus installed in old armory, appropriation for.....	700	1967
general expenses, appropriation for.....	699	1922
general expenses, for inaugural ceremonies, appropriation for....	700	1967
major-general, staff officers, appropriation for.....	699	1922

INDEX.

National guard—Continued:

members injured or disabled in service, pay and allowances
military code amended, § 165.....
members of, relieved from civil or criminal liability, mili
code amended.....
military records, bureau of, appropriation for.....
naval militia, appropriation for.....
naval militia vessel and launches, repairs and maintenance,
propriation for.....
pensions to members of, appropriation for.....
postage and transportation, appropriation for.....
Sixty-fifth regiment arsenal and armory in city of Buffalo, to
conveyed to said city.....

National Surety Company:

audit of claim of, against city of New York.....

Naval militia:

allowances to headquarters, appropriation for.....
allowance to officers, for uniform and equipment, appropriat
for
arms, uniforms and equipments, military code amended.....
general expenses, appropriation for.....
members injured or disabled in service, pay and allowan
military code amended, § 165.....
pensions to members of, appropriation for.....
vessel and launches, repairs and maintenance, appropriation

Navigation law amended:

Albany, harbor master for port of, office abolished, article 4
pealed
fees for inspections and licenses, § 34.....
harbor master for the port of Albany, office abolished, article
repealed
life preservers, relative to, § 15.....

Neahtahwanta lake:

fishing through the ice in waters of.....

Nets:

Coney Island creek, use of, game law amended.....
destruction of, by game protectors, game law amended.....
licenses for
rules and regulations governing use of.....
used in Lake Erie, meshes of, game law amended, § 63.....

Neversink, town:

authorized to acquire plank roads and turnpikes, bonds for....

Newark, village:

proceedings for purchase of water works legalized, bonds
authorized

Newburgh, city:

commissioners of the almshouse of, name changed to commissi
ers of the home of.....
commissioners of the home of, election, terms of office.....

Newburgh, town:

commissioners of the almshouse of, name changed to commissi
ers of the home of.....
commissioners of the home of, election, terms of office.....

New Castle, town:

supervisors to invest moneys received from New York city
lands taken for water supply.....

	Chap.	Page.
New Rochelle, city:		
Assessors, duties, clerk of, terms of office, charter amended.....	470	1061
bonds for street improvements.....	471	1064
city officers, compensation of mayor and aldermen, charter amended	264	511
common council authorized to procure assessment map, bonds for.	236	468
Hettinger, John, injury to real property of, compensation of....	624	1522
Hudson park, leasing certain privileges in, charter amended, § 65.	477	1062
notice to repair sidewalks and curbs, publication of, charter amended, § 84.....	469	1059
receiver of taxes, powers and duties of, charter amended, § 38....	237	468
Newspapers:		
designation of, to publish session laws, county law amended.....	496	1156
payment of, for publishing concurrent resolutions, appropriation for	19	22
for publishing general laws, appropriation for.....	699	1926
for publishing session laws, appropriation for.....	18	21
sale of, by children in cities of first and second classes.....	519	1183
Newtown, town:		
claim of William Booth against, to be determined by comptroller of New York city.....	183	390
fire department, chiefs of, act amended.....	268	519
New York and Harlem Railroad Company:		
bridge over tracks of, on Pelham avenue, New York city.....	731	2086
New York Bay Pollution Company:		
expenses, appropriation for.....	701	1969
New York, Brooklyn and Manhattan Beach Railway Company:		
grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557
New York Building and Improvement Company:		
act of incorporation amended, § 6.....	739	2101
New York Cancer Hospital:		
See General Memorial Hospital for the Treatment of Cancer and Allied Diseases.....	124	186
New York Central and Hudson River Railroad Company:		
grade crossings in New York city, to be abolished by.....	634	1556
New York city authorized to grant certain lands to.....	584	1312
New York city:		
acquiring lands for public purposes, charter amended, § 1553.....	515	1175
acquiring lands and premises for public purposes, charter amended, § 1439.....	512	1170
acquisition of lands and water rights and use of waters in Putnam county, charter amended, § 532.....	726	2054
actions to recover penalties for violation of laws or ordinances, charter amended, § 1384.....	125	186
aldermen, board of, powers of, charter amended, § 74.....	630	1548
powers of, charter amended generally.....	629	1533
American Institute, appropriation for.....	699	1900
American Rubber Tire Company, claim of, audit of.....	346	620
assessment maps, charter amended, § 979.....	581	1307
assessments and taxes against property of Congregation of Hour Jacob, annulment of.....	521	1186
assessments against property of J. Hood Wright Hospital, cancellation of.....	198	417
assessors, board of, to allow damages due to change of grade of Palisade avenue, Bronx borough.....	586	1315
to allow damages, on account of construction of bridge over Newtown creek.....	582	1309

INDEX.

New York city—Continued:

- damages to real property caused by construct
across Gowanus canal, Brooklyn borough...
- to allow damages to real property caused by c
viaduct in Riverside avenue.....
- to allow damages to real property fronting upo
Bronx river at Two Hundred Thirty-third
borough
- to allow damages to real property on streets
approaching bridge over Prospect aven
borough
- to determine damages to real property by co
bridge over Gowanus canal, Brooklyn borou
- to determine damages to real property by co
Riverside drive viaduct.....
- auditing certain claims for work and supplies for fir
authorized to grant lands to the Spuyten Duyvil an
Railroad Company and to the New York Central
River Railroad Company.....
- Barron, James S., and Company, claim of, audit of
births, marriages and deaths, record of, reports
amended
- board of estimate and apportionment, authorized to
Confield for services as probation officer.....
- may appropriate money for observance of Me
charter amended, § 245.....
- powers of, charter amended, § 10.....
- charter amended, § 74.....
- charter amended, § 980.....
- charter amended generally.....
- power of to agree upon purchase price of la
amended, § 1436-b.....
- to examine and audit claim of Frank J. Galli
- to examine and audit claims of James Brenna
for services as drivers in street cleaning depa
to hear and determine claim of Edwin F. Merw
- board of water supply, appointment, salary, powers
may utilize water for generating electric curre
city
- Booth, Charles, deceased, escheat property of, relea
ficiaries under will.....
- borough presidents, term of, charter amended, § 38
- boroughs, deputy tax commissioners in, appointmen
amended, § 888.....
- Bowler, Edgar, claim of.....
- Brady, John, claim of.....
- Brainard, Alfred C., claim of, investigation and pay
- Brainard, E. D. and Sons, claim of, board of estimat
tionment authorized to pay.....
- Brennan, James, claim of.....
- bridge over Newtown creek, assessors to allow
account of construction of.....
- Broan, John, claim of.....
- Bronx, borough of, bridge over Bronx river at Th
Thirty-third street, damages to real property;
construction of.....
- escheat property of James Forrest, deceased,
Lydia A. Spencer.....
- grand boulevard and concourse, extension of, au
- New York State Convention of Universalists a
convey real estate in.....
- Pelham avenue, widening of, bridge over tracks
- Saint Ann's church of Morrisania, comptroller to
tain taxes against.....

New York city—Continued:

	Chap.	Page.
Spuyten Duyvil parkway, Palisade avenue. change of grade of, assessors to allow damages for.....	586	1315
Brooklyn, borough of, anniversary day, a holiday in the public schools, charter amended, § 1162.....	523	1194
appropriation for Memorial day celebration, naval veterans included	190	406
bridge over Newtown creek, assessors to allow damages on account of construction of.....	582	1309
Cornella street, railroads not to be operated upon.....	535	1204
Eastern Bermudez Asphalt Paving Company, claim of, for pavement	156	344
Gowanus canal bridge, assessors to allow damages to real property caused by construction of.....	627	1530
Gowanus canal, bridge over, assessment of damages caused by construction of.....	224	448
grade crossings of Brooklyn Union Elevated Railroad Company and Brooklyn Heights Railroad Company, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1567
grade crossings of highways and railroads, certain abolished, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1567
grade crossings of New York, Brooklyn and Manhattan Beach Railway Company and Long Island Railroad Company, act amended, § 1.....	599	1319
act amended, §§ 5, 9.....	635	1567
Greene avenue, railroads not to be operated upon.....	534	1203
Madison street, railroads not to be operated upon.....	534	1203
municipal court districts, number and boundaries of, charter amended, § 1361.....	758	2129
Prospect avenue bridge, damages to real property caused by construction of.....	640	1574
public library, site for, location of.....	553	1231
bureau of buildings, duties of superintendents, appointments and removal of subordinates, charter amended, § 406.....	648	1642
Burpo, Charles, claim of.....	748	2118
Carmine, Thomas, claim of.....	748	2118
Carrigy, Thomas, claim of.....	748	2118
Carroll, William, claim of.....	748	2118
Carson, Henry, claim of.....	748	2118
Carter, Frank, claim of.....	748	2118
certification of public records by comptroller, charter amended, § 165.....	517	1178
Church Building Trust Association, authorized to maintain second place of worship in.....	215	439
Clark, James, claim of.....	748	2118
Clark, Thomas, claim of.....	748	2118
classification and instruction of criminals and misdemeanants in.....	305	574
Clifford, Joseph F., claim of.....	748	2118
College of Dental and Oral Surgery of New York, creation of, powers of trustees of.....	78	101
Collins, Edward, claim of.....	748	2118
Collins, James, claim of.....	748	2118
commissioner of charities, powers of, relative to, charter amended, § 664.....	187	401
commissioners of appraisal, twenty-third and twenty-fourth wards, appointment of, act amended.....	747	2116
commissioners of estimate, entry of order of, charter amended, § 1440.....	334	609
commitment of persons convicted of public intoxication. disorderly conduct or vagrancy, charter amended, §§ 707, 708, 709, 710	638	1563

INDEX.

107

New York city—Continued:

	Chap.	Page.
commitments to New York State Reformatory for Women at Bedford, charter amended.....	610	1504
comptroller, authorized to cancel certain taxes and assessments levied upon property of George J. Greenfield and others.....	585	1314
authorized to cancel certain taxes against St. Ann's Church of Morrisania	529	1195
authorized to examine and audit claim of National Surety Company	514	1174
authorized to examine and pay claim of Congregation Chaare Zedek	527	1104
authorized to issue special revenue bonds, charter amended, § 188	24	28
certification of public records by, charter amended, § 165....	517	1178
term of, charter amended, § 97.....	633	1554
to examine and audit claims of William McQuillan and Charles Haggerty	755	2126
Condon, John, claim of.....	748	2118
Confield, Rudolph, payment of, for services as probation officer..	523	1187
Congregation Chaare Zedek, claim of, comptroller to examine and pay	527	1194
Congregation of Hour Jacob, comptroller to annul assessments and taxes against property of.....	521	1186
Conway, Daniel J., claim of.....	748	2118
corporate stock, issue of, to provide for deficiencies arising from uncollectable taxes, charter amended, § 169.....	639	1571
corporate stock or bonds, signing of, charter amended, § 117....	557	1234
corporation counsel, authorized to cancel certain taxes and assessments levied upon property of George J. Greenfield and others.	585	1314
corporation counsel, first assistant, powers and duties, charter amended, § 256.....	525	1189
court funds, investment of.....	282	537
criminals and misdemeanants, classification and instruction of, charter amended, § 698.....	305	574
Cromwell's creek, closing and filling in, authorized.....	628	1531
lands under waters of, to be granted to.....	628	1531
Crosby, Peter, claim of.....	748	2118
deficiencies arising from unpaid taxes, issue of corporate stock for, charter amended.....	630	1571
department of health, births, marriages and deaths, reports of, record of, charter amended.....	532	1198
department of public parks, jurisdiction over certain streets....	494	1154
deputy tax commissioners, appointment of, among the boroughs, charter amended, § 888.....	330	605
Dimond, M. A., claim of, for labor and materials, payment of....	157	346
Douglas, Courtney C., release of, of escheat property of Ida P. Douglas, deceased.....	33	36
Douglas, Ida P., deceased, escheat property released to Courtney C. Douglas.....	33	36
Dunn, Michael, claim of.....	748	2118
Dupuy, Bartholomew, and others, deceased, escheat property of, released to Raoul Dupuy and others.....	250	487
Dupuy, Raoul and others, escheat property of Bartholomew Dupuy and others, deceased, released to.....	250	487
Eagan, James., claim of.....	748	2118
Eagan, John, claim of.....	748	2118
electric current furnished to consumers in, price of.....	732	2087
electric current, furnished to the city, price of.....	733	2083
elevated railroad station to be constructed at One Hundred and Thirtieth street and Eighth avenue.....	636	1560
Fennell, John, claim of, audit of.....	346	620
ferries, establishment and leasing of, employees of, charter amended, § 826.....	533	1201

New York city—Continued:

	Chap.	Page.
finance, department of, officers, clerks and employees, retirement of, charter amended.....	583	1310
Finn, Thomas, claim of.....	748	2118
Fitzgibbons, James, claim of.....	748	2118
Fuessel, Kate, claim of, audit of.....	346	620
Fuller, William H., claim of.....	748	2118
fund for street and park openings, charter amended, §§ 173, 174..	70	87
Gallagher, Frank J., claim of.....	754	2125
gas, illuminating, furnished to the city, price of.....	736	2091
gas, illuminating, inspection of, tests of.....	735	2090
General Memorial Hospital for the Treatment of Cancer and Allied Diseases, quorum of managers of.....	124	196
Geyer, Chris, claim of.....	748	2118
Glavin, Nicholas, claim of.....	748	2118
Good, William H., commissioner of deeds, acts of, legalized.....	555	1233
Gowanus canal, assessment of damages to real property for construction of bridge over.....	224	449
grade crossings, abolition of certain, act amended.....	634	1556
Grand boulevard and concourse, Bronx borough, extension of, authorized.....	522	1186
Grant, Edmund, claim of.....	748	2118
Grant, James, claim of.....	748	2118
Greenfield, George J., Henry and Elizabeth M., taxes and assessments levied upon property of, cancellation of.....	585	1314
Grinnan, Con, claim of.....	748	2118
Haggerty, Charles, claim of.....	755	2126
Hahnemann Hospital assessments affecting property of, cancellation of.....	321	594
Hahnemann Hospital, sinking fund commissioners authorized to change lease to grant.....	345	619
Hebrew Benevolent and Orphan Asylum Society, property of, assessments against, canceled.....	199	417
Hebrew Infant Asylum, unpaid assessments, cancellation of.....	291	554
Hessell, Oliver, claim of.....	748	2118
Hussy, John, claim of.....	748	2118
inspection of illuminating gas, tests, charter amended, § 522.....	735	2090
Keane, James R. and Co., claim of, audit of.....	346	620
Kelley, John, claim of.....	748	2118
Knevenee, Thomas, claim of.....	748	2118
lands and premises for public purposes, acquiring of, charter amended, § 1439.....	512	1170
lands for public purposes, acquiring of, charter amended, § 1553.....	515	1175
lands in Pelham Bay park and Bronx and Pelham parkway to be granted to Harlem river and Port Chester Railroad Company.....	670	1697
lands in Ulster county acquired by, assessment of.....	598	1471
Lewis, Samuel, claim of, audit of.....	346	620
Lombardi, Michael, claim of.....	748	2118
Mack, John, claim of.....	748	2118
Mallery, Michael, claim of.....	748	2118
Manhattan, borough of, escheat lands in, released to Joseph S. Guthorn.....	200	418
escheat property of Bartholomew Dupuy and others, deceased, released to Raoul Dupuy and others.....	250	487
escheat property of Frederick Pauss, deceased, released to heirs-at-law of Andreas Schwendeman, deceased.....	234	463
Riverside avenue viaduct, damages to real property caused by construction of.....	626	1529
municipal court, districts, number and boundaries, charter amended, § 1360.....	730	2063
Marine, William, claim of.....	748	2118
marshals of municipal courts, payment of money received by...	228	464
Masterson, Charles, claim of.....	748	2118

New York city—Continued:

	Chap.	Page.
mayor may designate a clerk to sign corporate stock or bonds of, charter amended, § 117.....	557	1234
mayor, term of, charter amended, § 94.....	633	1554
McCormack, James, claim of.....	748	2118
McCormack, John F., claim of.....	748	2118
McGuinness, John P., claim of.....	748	2118
McGuire, Patrick, claim of.....	748	2118
McHeary, James, claim of.....	748	2118
McNally, John, claim of.....	748	2118
McQuillan, William, claim of.....	755	2126
McVeigh, Patrick, claim of.....	748	2118
Medical College Laboratory of the City of New York, authorized to convey property.....	28	30
Memorial day, celebration of, appropriation for, authorized.....	332	607
in city of Brooklyn, act amended.....	190	406
observance of, board of estimate and apportionment may appropriate money for, charter amended, § 245.....	552	1231
Merwin, Edwin F., claim of, board of estimate and apportionment to hear and determine.....	667	1693
Metropolitan Museum of Art, extension of building, appropriation for.....	27	30
Miller, Frank, claim of.....	748	2118
Montgomery, G., and Company, claim of, audit of.....	346	620
Moran, Michael, claim of.....	748	2118
Moran, Nicholas, claim of.....	748	2118
Morrison, Phillip, claim of.....	748	2118
Mosley, Thomas, claim of.....	748	2118
Muller, John P., claim of.....	748	2118
municipal court, actions to recover penalties for violation of laws or ordinances, act amended, § 29.....	73	92
Brooklyn borough, districts, number and boundaries of, charter amended, § 1361.....	758	2129
jurisdiction of, act amended.....	513	1172
justices, salary, compensation, charter amended.....	622	1520
Manhattan borough, districts, number and boundaries of, charter amended, § 1360.....	730	2083
marshals, payment of money received by, § 307.....	228	454
Murphy, Cornelius, claim of.....	748	2118
National Surety Company, comptroller to examine and audit claim of.....	514	1174
New York Central and Hudson River Railroad Company, certain lands to be granted to.....	548	1312
New York Central and Hudson River Railroad Company, to abolish certain grade crossings.....	634	1556
New York College of Dental Surgery consolidated with New York Dental School, name changed to.....	78	101
New York Dental School consolidated with New York College of Dental Surgery, name changed.....	78	101
New York State Training School for Boys, acquisition of site for, oaths, may be administered by police commissioner, charter amended.....	180	377
O'Brien, Michael, claim of.....	748	2118
officers of, not to order use of patented articles without competition, charter amended, § 1554-a.....	531	1197
patented articles, use of, by public officers, charter amended, § 1554-a.....	531	1197
Pausa, Frederick, deceased, escheat property of, released to heirs at law of Andreas Schwendeman, deceased.....	234	463
Peerless Rubber Company, claim of, audit of.....	346	620
Pelham avenue, bridge over tracks of New York and Harlem railroad on.....	731	2086
widening of.....	731	2086

New York city—Continued:

	Chap.	Page.
Pelham bay, lands under waters of, grant of, to Harlem River and Port Chester Railroad Company.....	669	1696
Pelham Bay park and Bronx and Pelham parkway, lands in, to be granted to Harlem River and Port Chester Railroad Company	670	1697
penitentiary, erection of, authorized, bonds for.....	173	366
pensions to police force, charter amended, § 354.....	516	1176
Phipps houses, incorporation of.....	270	521
police commissioner, may issue subpoenas and administer oaths, charter amended, § 301.....	180	377
police department and force, duties of, charter amended, § 315..	621	1519
police force, pensions, charter amended, § 354.....	516	1176
police surgeons, rank and salaries of, charter amended, § 299...	637	1561
price of electric current furnished to consumers, other than the city	732	2087
price of electric current furnished to the city.....	733	2088
price of illuminating gas furnished to the city.....	736	2091
public intoxication, disorderly conduct or vagrancy, persons convicted of, commitment of, charter amended, §§ 707 to 710.....	638	1563
public library, Brooklyn borough, location of site for.....	553	1231
public libraries, contracts with trustees of certain.....	296	562
public records, certification of, by comptroller, charter amended.	517	1178
public school teachers' retirement fund, charter amended, § 1092.....	661	1678
Queens, borough of, Booth, William, claim of, comptroller to hear and determine.....	183	390
bridge over Newtown creek, assessors to allow damages on account of construction of.....	582	1309
enrollment of electors in certain election districts.....	10	12
Jamaica, state normal school in, to be transferred to the city.	524	1188
Quinlan, William, claim of.....	748	2118
rapid transit railways in, act amended.....	599	1472
cities of over one million inhabitants, act amended.....	631	1550
reception hospital in, construction of, appropriation for.....	702	1906
Reed and Hewlett, claim of, audit of.....	346	620
register, fees for official services, act amended.....	530	1196
Richmond, borough of, lands in late town of Southfield, conveyance of, to the United States.....	240	473
president of, to provide rooms for Staten Island Association of Arts and Sciences.....	526	1190
Riverside drive viaduct, assessment of damages to real property for construction of.....	202	420
Roonan, Richard, claim of.....	748	2118
Roosevelt Hospital, additional trustees, vacancies, how filled....	375	883
Ryan, Thomas, claim of.....	748	2118
Saint Ann's Church of Morrisania, comptroller to cancel certain taxes against.....	529	1193
Saint Nicholas park, commissioners of appraisal, report of, supreme court to hear application for revision of.....	668	1694
Sayre, Walter, claim of.....	748	2118
Schwendeman, Andreas, deceased, heirs at law of, escheat property of Frederick Pausa, deceased, released to.....	234	463
Searson, Thomas, claim of.....	748	2118
sinking fund, commissioners authorized to annul assessments against Hahnemann Hospital.....	321	594
sinking fund commissioners, authorized to change a lease to the Hahnemann Hospital to a grant.....	345	619
Smith, John, claim of.....	748	2118
Smith, Worthington, and Company, claim of, audit of.....	346	620
special revenue bonds, comptroller authorized to issue, charter amended, § 188.....	24	26
Spuyten Duyvil and Port Morris Railroad Company, certain lands to be granted to.....	594	1312

INDEX.

111

New York city—Continued :

	Chap.	Page.
State Normal school in Jamaica, Queens borough, transfer of, to.	524	1188
Staten Island Association of Arts and Sciences, incorporation, location	526	1190
steam vessels and barges engaging in excursions from, construction of	306	578
Stein, Phillip, claim of	748	2118
subpoenas, power of police commissioner to issue, charter amended	180	377
supreme court to hear application for revision of report of Saint Nicholas park commissioners of appraisal	668	1694
teachers' retirement fund, pensions, exempt from execution, charter amended, § 1092-a	107	150
Thorley, Alfred P., claim of	748	2118
twenty-third and twenty-fourth wards, commissioners to appraise damages to property caused by change of grade in, act amended	747	2116
Union Theological Seminary in the City of New York, charter amended as to amount of personal property of	71	90
vagrancy, persons convicted of, charter amended	638	1563
water supply, acquisition of lands and water rights in Putnam county, charter amended, § 532	726	2054
acquisition of, property for	725	2051
additional, provision for	724	2027
board of, appointment, salary, powers, duties	724	2027
construction and maintenance of highways and bridges	725	2051
provision for use and care of reservoirs	725	2051
utilization of, for generating electric current for use of city ..	734	2089
Whalen, Patrick, claim of	748	2118
women, commitments of, to New York State Reformatory at Bedford, charter amended	610	1504
Woods, Peter, claim of	748	2118
Worth, Fred, claim of	748	2118
Wright, J. Hood, Hospital, assessments against property of, cancellation of	198	417
New York College of Dental Surgery:		
consolidation with New York Dental School, name changed by ..	78	101
New York Commission for the Battlefields of Gettysburg and Chattanooga:		
monument to Fifth Regiment, New York State Volunteer Infantry, to be transferred to custody of	671	1699
New York Connecting Railroad Company:		
time to commence and complete construction of bridge across the East river extended	691	1856
time to complete and operate road extended	690	1855
New York county:		
court funds, investment of, by New York city, chamberlain	282	537
court house, erection of and acquisition of site for	112	161
court of general sessions of the peace, attendants, salaries of ..	746	2115
grand jurors, selection of, consolidation act amended, §§ 1648, 1649	203	421
official referees, appointment of, in first judicial department, compensation of	204	422
referees, appointment of, in first judicial department	204	422
register, fees for official services, act amended	530	1196
New York Dental School:		
consolidation with New York College of Dental Surgery, name changed by	78	101
New York House of Refuge at Randall's Island:		
repairs and equipment, appropriation for	708	1969

New York Institution for the Blind:	Chap.	Page.
support and instruction, appropriation for.....	699	1936
New York, Lackawanna and Western Railway Company:		
Buffalo, Liberty street, part of, to be conveyed to.....	547	1228
New York Monuments Commission for the Battlefields of Gettysburg and Chattanooga:		
compensation and expenses, appropriation for.....	700	1979
monuments, appropriation for.....	700	1979
New York Security and Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
New York State Commissioners of the Lewis and Clark Centennial Exposition at Portland, Oregon:		
general expenses, appropriation for.....	700	1980
New York State Convention of Universalists:		
authorized to convey real estate in Bronx borough, New York city	302	572
real estate, transfers of, by.....	48	56
New York State Custodial Asylum for Feeble-Minded Women at Newark:		
buildings, repairs and equipment, appropriation for.....	703	1990
fire escapes on cottage dormitories, appropriation for.....	700	1975
improvements, appropriation for.....	700	1976
maintenance, appropriation for.....	699	1935
New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw:		
maintenance, appropriation for.....	699	1936
pavilion, hospital and equipment, appropriation for.....	700	1978
sewer and connections, appropriation for.....	703	2000
New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook:		
dormitory, pavilion, etc., appropriation for.....	700	1977
laboratory equipment, appropriation for.....	700	1975
maintenance, appropriation for.....	699	1935
maintenance fund, appropriation for.....	700	1974
improvements and equipment, appropriation for.....	703	1999
New York State Institution for Feeble-Minded Children at Syracuse:		
appropriation for.....	700	1974
maintenance, appropriation for.....	699	1936
plumbing, repairs and equipment, appropriation for.....	703	2000
New York State Institution for the Blind:		
treasurer of, bond of, relative to.....	154	343
New York State Reformatory at Elmira:		
appropriation for.....	700	1974
domestic building, etc., appropriation for.....	700	1976
plumbing in cell block, appropriation for.....	700	1978
heating plant, repairs and equipment, appropriation for.....	703	1986
maintenance, appropriation for.....	699	1934
new buildings and equipment, appropriation for.....	145	322
New York State Reformatory for Women at Bedford:		
buildings, repairs and equipment, appropriation for.....	703	1996
commitments to, from New York city.....	610	1504
farm utensils, appropriation for.....	700	1976
maintenance, appropriation for.....	699	1934

New York School for the Blind at Batavia:	Chap.	Page.
appropriation for.....	700	1974
laundry equipment, appropriation for.....	700	1975
laundry, power-house, etc., appropriation for.....	700	1978
heating and plumbing, appropriation for.....	703	1997
maintenance, appropriation for.....	699	1934
treasurer of, bond of, relative to.....	154	343
New York Soldiers and Sailors' Home, at Bath:		
buildings, repairs and equipment, appropriation for.....	703	1997
boiler-room, maintenance fund, and repairs, appropriation for....	700	1975
maintenance, appropriation for.....	699	1934
trustees of, authorized to maintain a band for.....	32	35
New York State Training School for Boys:		
acquisition of site for.....	133	208
New York State Training School for Girls at Hudson:		
improvements, appropriation for.....	700	1978
improvements, repairs and equipment, appropriation for.....	703	1998
maintenance, appropriation for.....	699	1934
New York state volunteer infantry:		
Fifth regiment (Duryee's Zouaves), erection of monument to com- memorate services, appointment of commissioners.....	671	1699
New York State Woman's Relief Corps Home at Oxford:		
cottage for farmer, appropriation for.....	700	1979
improvements, appropriation for.....	700	1976
improvements, repairs and equipment, appropriation for.....	703	1999
maintenance, appropriation for.....	699	1935
Niagara county:		
county judge and surrogate, salary and compensation of.....	410	945
supervisors in, compensation of.....	20	22
tax sales, notice of, publication of, expense of.....	152	337
Niagara Falls, city:		
deficiencies in city funds, payment of certain, charter amended..	463	1033
escheat property in, released to Peter H. L. Bradt and James J. Bradt	658	1670
sewer bonds, authorized and legalized, charter amended, § 217...	463	1033
water works system, acquisition of, charter amended, § 257.....	614	1508
Niagara Falls Hydraulic Power and Manufacturing Company:		
lands deeded to state by, included in Niagara reservation.....	508	1166
Niagara reservation:		
certain state lands to be included in, public lands law amended..	508	1166
new structure over inclined railway, appropriation for.....	700	1968
salaries and expenses, appropriation for.....	699	1923
Nominations:		
filling vacancies in, election law amended, § 66, subd. 1.....	49	58
Normal schools:		
Albany, additional site for, appropriation for.....	716	2016
Fredonia, astronomical observatory at, appropriation for.....	700	1958
scientific collections for, purchase of, appropriation for.....	700	1958
Indian education in, appropriation for.....	699	1894
insurance of, by cities and villages, authorized.....	252	489
Jamaica, normal school, transfer of, to the city of New York....	524	1188
repairs, equipment, etc., appropriation for.....	700	1957
support and maintenance, appropriation for.....	699	1894
training schools, lighting and heating deficiency, appropriation for	700	1958
visual instruction in, appropriation for.....	699	1892

North American Trust Company:	Chap.	Page.
accounts of, for taxes paid, comptroller to readjust.....	756	2127
North Castle, town:		
Walters, Louisa, property of William Walters, deceased, released to	227	453
North East, town:		
fishing through the ice in, game law amended.....	313	584
North Elba, town:		
boundary line established and defined.....	...	2147
North Salem, town:		
supervisor to invest moneys received from New York city for lands taken for water supply.....	396	925
Northern New York Institution for Deaf-Mutes, at Malone:		
support and instruction, appropriation for.....	690	1937
Notaries public:		
appointment and number of, executive law amended, § 81.....	178	375
Cahill, B. F., official acts of, legalized.....	609	1503
deeds and other instruments affecting title to real estate, record of certain, validated.....	377	890
Levine, Israel, official acts of, legalized.....	550	1230
Rhodes, Leon C., official acts of, legalized.....	549	1229
Notice of lien:		
contents of, lien law amended, § 9, subd. 1.....	96	134
Notice of pendency of action:		
filing and cancellation of.....	60	71
Notices:		
service of certain, upon heirs, code of civil procedure amended..	433	967
Nurses:		
not to disclose professional information, code of civil procedure amended, § 834.....	331	606
Oak Lawn Cemetery:		
Olean, removal of remains from, land to be made a public park..	376	884
Oaths:		
administration of, by police commissioner of New York city, charter amended.....	180	377
Obligations:		
of any other state, state authorized to accept.....	388	906
O'Brien, Michael:		
claim of, against city of New York.....	748	2118
O'Connor, Michael E.:		
claim of, to be heard and determined by the court of claims.....	565	1257
Officers:		
misconduct of, at drawing of jurors and formation of jury, penal code amended.....	692	1856
Official canvass:		
publication of, appropriation for.....	690	1926
Official notices:		
publication of, appropriation for.....	19	22
Westchester county, publication of.....	137	226
Westchester county, publication of.....	138	226

INDEX.

115

	Chap.	Page.
Ogdensburg, city:		
new school buildings, bonds for.....	245	480
streets, highways and sidewalks, charter amended.....	579	1299
superintendent of water works, appointment, compensation, . charter amended.....	579	1299
Olean, city:		
charter amended generally.....	226	450
Oak Lawn Cemetery, acquiring of, for public park.....	376	884
public park in, establishment of, bonds for.....	376	884
Oneida, city:		
special elections in, charter amended, § 59, sub. 25.....	483	1098
Oneida county:		
attorney of the board of supervisors, office created.....	753	2124
deer, close season, game law amended.....	315	586
jurors, commissioner of.....	510	1168
new courthouse, completion of, bonds for.....	132	206
pike, game law amended.....	314	585
Oneonta, town:		
Aurella Osborn Fox Memorial Hospital Society, appropriation for, by town board.....	103	144
Oneonta, village:		
streets, sidewalks, sewers, improvement of, charter amended....	406	941
Onondaga Chapter, Daughters of the American Revolution:		
commissioners of the land office authorized to convey certain lands in Onondaga town, to.....	571	1267
Onondaga county:		
acquisition of franchises of turnpikes, plank roads and bridges in, bonds for.....	120	180
pike, game law amended.....	314	585
unpaid taxes in, time of filing statement of, by county treasurer.	253	490
Onondaga Indians:		
agents, compensation of, appropriation for.....	699	1940
annuities, appropriation for.....	699	1939
relief of, appropriation for.....	699	1940
Onondaga Salt Springs:		
superintendent, salary, appropriation for.....	700	1980
Onondaga, town:		
certain lands in, to be conveyed to Onondaga Chapter, Daughters of the American Revolution, by the commissioners of the land office	571	1267
Ontario county:		
constables and deputy sheriffs in, fees of, code of civil procedure amended	304	573
Orange county:		
black and gray, squirrels, close season, game law amended.....	316	587
deer, close season, game law amended.....	315	586
grouse, selling of, game law amended.....	340	615
taking of, game law amended.....	341	615
quail, selling of, game law amended.....	340	615
taking of, game law amended.....	341	615
sale of lands in, to United States, for water supply for military reservation at West Point.....	15	18
act amended.....	82	108
supervisors, proceedings of, authorizing issue and sale of road bonds, confirmed.....	30	43

Orange county—Continued:	Chap.	Page.
woodcock, selling of, game law amended.....	340	615
taking of, game law amended.....	341	615
woodcock, grouse and quail, close season for, game law amended.	317	587
Orleans, county:		
town boards may raise money for rental of grand army post rooms	492	1150
Oswegatchie, town:		
bond issue for improvement of town hall.....	50	60
overseer of the poor, office of, abolished.....	170	362
proceedings for issue of bonds for improvement of town hall in, legalized	50	60
superintendents of the poor of, appointment of. terms of.....	170	362
Oswego canal:		
bridge over, at Willow street, Syracuse, appropriation for.....	172	365
improvement of, appropriation for.....	143	319
locks and channel, improvement of.....	740	2102
unexpended balance in enlargement fund transferred to canal debt sinking fund.....	722	2022
Oswego, city:		
armory, new, site and construction of, appropriation for.....	742	2108
armory, old, sale of, authorized.....	742	2108
bond issue for water supply from Lake Ontario, charter amended.	08	84
certain lands in, appropriated to Oswego Hospital for hospital purposes	653	1663
granted to the order of Sisters of Saint Francis for hospital purposes	654	1663
highway fund, deficit in, raising funds to meet, charter amended.	465	1036
Oswego Hospital, certain lands appropriated to use of.....	653	1663
Robinson Memorial Library, establishment of.....	600	1483
Sisters of Saint Francis, order of, certain lands granted to, for hospital purposes.....	654	1663
Oswego, county:		
Big Sandy pond, fishing through the ice in, game law amended..	427	962
deer, close season, game law amended.....	315	586
fishing through the ice in Lake Neahtahwanta, game law amended	313	584
pike, game law amended.....	314	585
Oswego County Bar Association:		
appointment of trustees of the Robinson Memorial Library by..	600	1483
Oswego Hospital:		
certain lands in Oswego city appropriated to use of.....	653	1663
Otselic river:		
fishing through the ice in, game law amended.....	313	584
Overseers of the poor:		
Oswegatchie, town, office of, established.....	170	362
reports from, to state board of charities, poor law amended....	273	524
Owasco lake:		
fishing through the ice in, game law amended.....	313	584
restoring roadway on west shore of, appropriation for.....	700	1972
Painted Post:		
river commissioners, appointment and acts of, confirmed.....	45	52
Palisades Interstate Park:		
commissioners of, appropriation for.....	700	1981

INDEX.

117

Palmyra, town:	Chap.	Page.
school district No. 1, board of education, acts of, legalized.....	208	430
Paris, Josephe Despeyroux:		
escheat property of Bartholomew Dupuy and others, New York city, released to.....	250	487
Partition:		
actions for, parties to, code of civil procedure amended.....	662	1084
real property of incompetents, code of civil procedure amended..	434	968
Patchogue, village:		
receipts from premiums collected from foreign fire insurance companies, custody and disposition of.....	448	965
Paulding, C. C.:		
legal services, appropriation for.....	700	1955
Peddler's licenses:		
for veteran soldiers, sailors or marines.....	162	352
Peekskill, village:		
publication of statement of expenditure of moneys, charter amended	398	928
subways for public service wires, charter amended.....	511	1169
water commissioners authorized to issue bonds for new water main	403	937
Peerless Rubber Company:		
claim of, against New York city, audit of.....	346	620
Pelham bay:		
New York city, lands under waters of, grant of, to Harlem River and Port Chester Railroad Company.....	669	1606
Pelham, town:		
new town hall, site for, construction of, bonds for.....	254	491
Penal code:		
violations of, relative to manufacture and sale of spurious gold-ware	288	547
Penal code amended:		
abandonment of children, relative to, § 287-a.....	168	360
apothecary, omitting to label drugs or labeling them wrongly, §§ 401, 402.....	442	977
bank officers, overdrawing accounts, receiving commissions, § 600.	248	483
corrupt influencing of agents, employees or servants, § 344-r....	136	225
crimes against elective franchises.....	625	1523
dangerous weapons, sale and possession of, §§ 409, 410.....	92	129
druggist, omitting to label drugs or labeling them wrongly, §§ 401, 402.....	442	977
false alarms of fire, interference with fire alarm telegraph systems, § 639-a.....	279	530
flag, United States or state, desecration or improper use of, § 640, subd. 16.....	80	104
desecration or improper use of, § 640, subd. 16.....	440	973
forging United States or state stamps, § 517.....	242	478
gold, stamping articles made of, § 364-j.....	287	547
ice bridges and ice cuttings, § 429.....	326	602
juvenile offenders, §§ 289, 291.....	655	1664
keeping disorderly houses, etc., § 322.....	270	521
minors, imprisonment of, § 699.....	655	1664
misconduct of officers at drawing of jurors and formation of jury, § 76.....	692	1856
obtaining by fraud signatures to applications or property for degrees, secrets or membership in secret fraternities, § 567-a...	366	825

Penal Code—Continued:	Chap.	Page.
pharmacist, omitting to label drugs, or labeling them wrongly, §§ 401, 402.....	442	977
public health and safety, crimes against, §§ 401, 402, 403, 404....	442	977
purchase of property by false pretense, § 544.....	556	1233
suspension of sentence, § 12.....	655	1664
trade lists, unlawful taking, copying or use of, § 642.....	441	975
unauthorized use of badges, name, insignia, ritual or ceremonies of certain orders and societies, § 674-a.....	590	1324
wilful violation of health laws, § 397.....	443	979
Penalties:		
actions to recover for violation of ordinances in city of New York	125	186
forest, fish and game law amended, § 39.....	318	589
forest, fish and game law amended, § 139.....	336	612
for playing policy, collection and payment of.....	163	353
medicine, practice of, in violation of law, public health law amended	455	994
wild black bear and land turtles, wrongful taking of.....	319	589
Pendency of action:		
notices of filing and cancellation of, code of civil procedure amended, § 1671.....	60	71
Penitentiaries:		
convicts sentenced to, maintenance, appropriation for.....	699	1925
Pensions:		
Buffalo, pensions for members of police force of.....	181	378
Herniman, George W., claim of, reopening of.....	235	465
teachers' pensions, city of New York, exempted from sale under execution	107	150
Perch:		
fishing through the ice for, in certain waters, game law amended.	313	584
Perham, Frederic E., deceased:		
member of assembly, balance of salary, appropriation for.....	700	1947
Personal property:		
associations for lending money on, place of incorporation, act amended	333	608
See also Property.		
Personal taxes. See Taxes.		
Pharmacist:		
omitting to label drugs, or labeling them wrongly, penal code amended	442	977
Pharmaceutical societies:		
exemption of property of certain, in cities of first class, tax law amended	446	983
Phipps houses:		
incorporation of.....	209	520
Physicians:		
not to disclose professional information, code of civil procedure amended, § 834.....	331	606
Pickarel:		
fishing for or possession of, in certain counties, game law amended	314	585
St. Lawrence river, close season, game law amended.....	420	957
Pike:		
St. Lawrence river, close season, game law amended.....	420	957

INDEX.

119

Pike, wall-eyed and yellow:	Chap.	Page.
game law amended,.....	314	585
Plattsburgh, city:		
commissioner of charities, salary of, charter amended, § 11.....	484	1101
special election of taxpayers, limitation of indebtedness, charter amended	362	817
Police court:		
cities, second class, jurisdiction of.....	687	1843
Police justice:		
cities, second class, jurisdiction of.....	687	1843
Police pension fund:		
trustees of, in cities of second class, act amended, § 185.....	444	980
Policy playing:		
finer, penalties or forfeitures for, payment of.....	163	353
Poll tax:		
in villages, collection of, village law amended.....	498	1153
Poor law amended:		
children placed in family homes, reports on, to state board of charities, article VIII, § 144-a.....	273	524
Poppenhusen, Conrad:		
institution at College Point, act amended relative to.....	323	597
Population:		
filing certificates of, cities, second class.....	501	1160
Port Chester, village:		
charter amended generally.....	606	1493
Port of Albany:		
harbor master for, office abolished, navigation law amended.....	505	1163
Port of New York:		
health officer, annual report of, public health law amended, § 125.....	284	540
bacteriological laboratory, appropriation for.....	700	1973
wardens, expenses, appropriation for.....	609	1940
Port wardens:		
expenses, appropriation for.....	609	1940
Post James M. Brown Memorial Hall Association:		
name changed, disposition of property.....	379	892
Potter, Owen L.:		
preparing table of laws amended and repealed, appropriation for.....	700	1980
Poughkeepsie, city:		
city court, judge of, clerk of.....	322	595
officers of, duties, etc., charter amended.....	652	1650
Poughkeepsie Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Primary Election law amended:		
custodian of primary records, keeping of certain papers by, § 8, subd. 3.....	207	428
special enrollments in cities of second class abolished.....	674	1706
Printing:		
Argus Company, appropriation for.....	701	1986
fiscal supervisor's report for 1903, appropriation for.....	701	1987
general laws, appropriation for.....	699	1926

Printing—Continued:

	Chap.	Page.
legislative, appropriation for.....	699	1925
legislative bills and reports, extra copies, appropriation for.....	701	1987
session laws and official canvass, appropriation for.....	699	1926

Prison Commission:

clerks, stenographer, appropriation for.....	699	1923
New York city penitentiary, plans for, to be approved by.....	173	366
president, salary, appropriation for.....	699	1923
secretary, salary, appropriation for.....	699	1923
travelling and office expenses, appropriation for.....	699	1924
traveling and office expenses, appropriation for.....	700	1988

Prisoners:

contracts for reception of, in Kings county penitentiary, legalized.	407	943
--	-----	-----

Prisons, state:

Auburn prison, repairs, appropriation for.....	700	1969
repairs and improvements, appropriation for.....	704	2003
Auburn Prison for Women, appropriation for.....	699	1924
classification board, expenses, appropriation for.....	700	1968
Clinton prison, assistant physician, salary, appropriation for....	700	1968
laundry, concrete floor in, appropriation for.....	700	1969
repairs and improvements, appropriation for.....	704	2003
commissioners for paroled prisoners, expenses, appropriation for.	699	1924
commission to inquire as to providing modern buildings, appro-		
priation for.....	718	2017
convicts sentenced to penitentiaries, maintenance, appropriation		
for	699	1925
deficiency appropriation for.....	700	1969
current literature for, appropriation for.....	700	1968
Danmora State Hospital for Insane Convicts, appropriation		
for	699	1925
repairs and improvements, appropriation for.....	704	2003
Eastern New York Reformatory, appropriation for.....	699	1924
buildings and improvements, appropriation for.....	704	2004
purchase of land, appropriation for.....	700	1968
transferring prisoners, appropriation for.....	700	1969
window guards on mess hall, appropriation for.....	700	1969
instruction in, appropriation for.....	700	1968
Matteawan State Hospital for Insane Criminals, maintenance,		
appropriation for	699	1925
maintenance, appropriation for.....	700	1969
repairs and improvements, appropriation for.....	704	2003
Sing Sing Prison, rebuilding visiting room, appropriation for....	704	2003
State Prison for Women at Auburn, buildings and improvements,		
appropriation for	704	2004
superintendent, Bertillon system cards, annual amount for,		
increased	536	1204
clerks, employees, appropriation for.....	699	1924
expenditures for repairs and equipment of prisoners to be		
made under direction of.....	704	2002
office expenses, appropriation for.....	699	1924
salary and expenses, appropriation for.....	699	1924
traveling expenses, appropriation for.....	699	1924
support and maintenance, appropriation for.....	699	1924

Probation officers:

appointment of, code of criminal procedure, amended, § 11-a,		
subd. 1.....	656	1606

Probation system:

commission to examine operations of, appointment of.....	714	2013
operations of, examination of, appropriation for.....	714	2013

INDEX.

121

Property:	Chap.	Page.
power to mortgage, stock corporation law amended, § 2.....	745	2113
purchase of, by false pretence, penal code amended, § 544.....	556	1283
Property, personal:		
succession to, code of civil procedure amended.....	539	1208
Property, real:		
mortgages secured by, taxation of, tax law amended.....	729	2069
Protestant Episcopal church:		
church wardens and vestrymen, vacancies in, religious corporations law amended.....	46	53
Public buildings:		
capitol boilerhouse, new boiler, appropriation for.....	700	1970
deputy, clerks, employees, appropriation for.....	699	1926
electric lighting plant, appropriation for.....	700	1970
furniture, repairs, fuel, appropriation for.....	699	1927
lighting and fixtures, appropriation for.....	699	1927
plumbing and drainage systems, appropriation for.....	700	1970
postage and transportation, appropriation for.....	699	1927
repairs and furnishings, appropriation for.....	700	1970
Senate House at Kingston, keeper, salary, appropriation for.....	699	1940
repairs and maintenance, appropriation for.....	700	1970
superintendent, salary, appropriation for.....	699	1926
trustees, secretary to, appropriation for.....	700	1969
Public buildings law amended:		
Trustees Soldiers and Sailors' Home at Bath, authorized to maintain a band, § 41.....	32	35
Public defence bonds:		
appropriation for payment of.....	8	10
Public health:		
crimes against, penal code amended.....	442	977
Public health law amended:		
health officer, port of New York, annual report of, § 125.....	284	540
practice of medicine in violation of law, penalties and their collection, § 153.....	455	994
preservation of life at bathing places, § 212.....	454	991
regulating the sanitary condition of bathing establishments, § 212.....	454	991
relief of indigent Indians in case of epidemic, § 30-a.....	303	572
use of methyl or wood alcohol for adulterative purposes prohibited, §§ 41, 46.....	122	183
Public lands law amended:		
escheated lands, releases of, by commissioners of the land office, § 62.....	360	815
Niagara reservation, certain state lands to be included in, § 97-a.....	508	1166
preferences to original owners on sales of abandoned canal lands, § 51 repealed.....	451	988
Public libraries:		
trusts for founding, endowing and maintaining, act amended... See, also, Libraries.	393	921
Public monuments:		
erection of, in towns, powers of supervisors relative to.....	277	528
Public safety:		
crimes against, penal code amended.....	442	977
Public Works, Superintendent of:		
agent in canal claims, appropriation for.....	700	1971
assistant superintendents, salaries, appropriation for.....	699	1927

Public Works, Superintendent of—Continued:		Chap.	Page.
canals, maintenance and ordinary repairs, deficiency, appropriation for.....	700	1971	
cleaning state ditches along Erie and Champlain canals, appropriation for.....	700	1971	
clerk hire, additional, appropriation for.....	699	1929	
Cranberry lake reservoir, removing dead timber from, appropriation for.....	700	1973	
deputy, salary, appropriation for.....	699	1927	
deputy, traveling expenses, appropriation for.....	699	1928	
Drakes drawbridge, Wappinger creek, appropriation for.....	700	1970	
drawbridge over Minneceingo creek, appropriation for.....	699	1929	
duty of, in court of claims, code of civil procedure amended.....	370	851	
Fobes, Alan C., reimbursement of, for moneys advanced to superintendent, appropriation for.....	700	1972	
Fort Plain village, reimbursement of, for paving approaches to lift bridges, appropriation for.....	700	1972	
Hitchcock, A. Willard, replanking iron bridge across the Hudson river at Northumberland, appropriation for.....	700	1971	
Indian reservations, highways and bridges on, appropriation for.....	700	1972	
locktending and repairs of canals, appropriation for.....	699	1929	
Madison, town, repairing highway in, appropriation for.....	700	1972	
Owasco lake, restoring roadway on west shore, appropriation for.....	700	1972	
report of, as to acquisition of toll bridges across the Delaware river, between New York and Pennsylvania.....	275	526	
Saint Regis river, state dam on, completion of, appropriation for.....	700	1972	
section superintendents and employees, appropriation for.....	699	1928	
state dams on Beaver and Moose rivers, gate tenders, appropriation for.....	699	1929	
steam vessels, inspectors of, appropriation for.....	699	1929	
superintendent, office force, salaries, appropriation for.....	699	1927	
salary, appropriation for.....	699	1927	
traveling expenses, appropriation for.....	699	1928	
traveling, office and contingent expenses, appropriation for.....	699	1928	
Pulteney, town:			
town board may consolidate election districts.....	408	944	
Purchases:			
by state charitable institutions, state charities law amended, § 48.....	457	998	
Purchasing agent:			
Schenectady county, appointment of, powers and duties.....	389	907	
Putnam county:			
acquisition of lands and water rights and use of waters in, by city of New York.....	726	2054	
acquisition of water rights in, limitation on.....	738	2100	
deer, close season, game law amended.....	315	596	
lake trout, close season, game law amended, § 44.....	429	964	
Quail:			
close season in certain counties.....	317	587	
selling of, in Orange county, game law amended.....	340	615	
taking of, in Orange county, game law amended.....	341	615	
Quarantine Commissioners:			
bacteriological laboratory at quarantine station, maintenance, appropriation for.....	700	1973	
clerks, employees, appropriation for.....	699	1930	
repairs and maintenance, appropriation for.....	699	1930	
salaries, appropriation for.....	699	1930	

INDEX.

123

	Chap.	Page.
Quarantine station:		
bacteriological laboratory at, maintenance, appropriation for. . . .	700	1973
Hoffman and Swinburne islands, improvements at, appropriation for	741	2106
Quebec, province of:		
transportation of fish from, game law amended.	342	616
Queechey lake:		
fishing through the ice in, game law amended.	313	584
Queens county:		
court funds, investment of, by New York city chamberlain. . . .	282	537
highways, macadamized, preservation of, act amended.	378	891
street surface railroads in, protection of employees of, railroad law amended	453	990
surrogates' court stenographer, exception as to, code of civil procedure amended.	570	1265
Quinlan, William:		
claim of, against city of New York.	748	2118
Rabbits:		
close season in certain counties, game law amended.	422	958
not to be hunted with ferrets, Fulton and Hamilton counties excepted	422	958
Racing associations:		
moneys collected from, appropriated to promotion of agriculture. .	719	2018
Railroad commissioners:		
additional commissioners, salaries, appropriation for.	701	1989
additional salaries and expenses, appropriation for.	701	1989
appointment of state inspector of locomotive boilers by.	611	1504
electrical expert, salary, appropriation for.	699	1931
grade crossings, abolishment of, appropriation for.	700	1973
abolishment of, appropriation for.	701	1988
grade crossings bureau, salaries and expenses, appropriation for. .	699	1932
grade crossings in Schenectady city, abolishment of, appropriation for.	700	1973
litigations, services and expenses of attorney-general's office, appropriation for.	699	1931
New York office, stenographer, salary, appropriation for.	700	1973
number of, salaries and expenses of, railroad law amended. . . .	728	2057
salaries, appropriation for.	699	1930
secretary and assistants, salaries, appropriation for.	699	1930
travelling expenses appropriation for.	699	1931
additional, appropriation for.	701	1989
Railroad companies:		
Buffalo, Gardenville and Ebenezer Railway, extension of time to complete road	2	3
Buffalo Southern Railway Company, extension of time to complete road	2	3
Delaware, Lackawanna and Western Railroad Company, part of Liberty street, Buffalo, to be conveyed to.	547	1228
Harlem River and Port Chester Railroad Company, New York city to grant certain lands to.	670	1697
New York Central and Hudson River Railroad Company, New York city to grant certain lands to.	584	1312
New York, Lackawanna & Western Railway Company, part of Liberty street, Buffalo, to be conveyed to.	547	1228
Spuyten Duyvil and Port Morris Railroad Company, New York city to grant certain lands to.	584	1312
Railroad corporations:		
incorporation and powers of, railroad law amended, §§ 2, 7. . . .	727	2055

	Chap.	Page.
Railroad law amended:		
incorporation and powers of railroad corporations, §§ 2, 7.....	727	2055
lease of road, approval of by stockholders, § 78.....	695	1859
locomotive boilers, inspection of, § 49-a.....	611	1504
locomotive boilers, state inspector of, appointment of, § 49-b....	611	1504
protection of street railroad employees in Kings and Queens counties, § 112.....	453	990
railroad commissioners, number of, salaries and expenses of, §§ 156, 169, 170.....	728	2057
street surface railroad companies, license fees and percentages of, payment of, § 112.....	651	1649
street surface railroads in Kings county, consents of property owners to construction of, § 91.....	650	1646
Railroads:		
Babylon village, location of tracks, motive power.....	174	369
Brooklyn Heights Railroad Company, grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557
Brooklyn Union Elevated Railroad Company, grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557
Buffalo and White Corners plank road, construction of railroads upon prohibited	222	447
electric, in Albany and Rensselaer cities, transfer tickets to be issued	358	813
lease of road, approval of, by stockholders, railroad law amended.	695	1859
Long Island Railroad Company, grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557
New York and Harlem railroad, bridge over tracks of, on Pelham avenue, New York city.....	731	2066
New York, Brooklyn and Manhattan Beach Railway Company, grade crossings, act amended, § 1.....	589	1319
act amended, §§ 5, 9.....	635	1557
New York Central and Hudson River Railroad Company, to abolish certain grade crossings in New York city.....	634	1556
New York Connecting Railroad Company, time to commence and complete construction of bridge across the East river extended	691	1856
time to complete road extended.....	690	1855
street surface, in cities of the first class, payment of license fees and percentages of, railroad law amended.....	651	1649
in Kings and Queens counties, protection of employees of, railroad law amended.....	453	990
in Kings county, consents of property owners to construction of, railroad law amended.....	650	1646
Watertown and Carthage Traction Company, extension of time to complete road.....	307	579
Ramapo, town:		
Union Free School District No. 7, establishment of, acts of, bonds of, legalized.....	76	96
Rapid transit railways:		
cities of over one million inhabitants, act amended.....	599	1472
act amended.....	631	1556
Real estate:		
decedents, disposition of, for payment of debts, code of civil procedure amended, § 2800.....	430	964
record of certain deeds and instruments affecting title to, validated	377	890

INDEX.

125

	Chap.	Page.
Real property:		
conveyance of, acknowledgment or proof of, real property law amended, § 255.....	450	987
incompetents, partition of, code of civil procedure amended.....	434	968
liens upon, postponement or subordination of, real property law amended, § 240.....	449	986
sale of, for unpaid taxes, publication of lists of, tax law amended	445	981
sold for taxes, levying of taxes upon and resale of, tax law amended	447	983
stricken from tax rolls, redemption of, tax law amended.....	447	983
Real property law amended:		
authentication of conveyances outside the state. § 260, sub. 4....	329	605
conveyances, acknowledgment or proof of. § 255.....	450	987
liens upon real property, postponement or subordination of, § 240.....	449	986
Reception Hospital:		
New York city, construction of, appropriation for.....	702	1996
Records:		
deeds and other instruments affecting title to real estate, validating record of.....	377	890
Rector, wardens and vestry of St. John's church of Canandaigua:		
endowment fund of, creation of.....	139	228
Redemption of lands:		
appropriation for.....	699	1939
Reed and Hewlett:		
claim of, against New York city, audit of.....	346	620
Referee:		
qualification of, code of civil procedure amended.....	435	969
Reformatories:		
Eastern New York Reformatory, maintenance, appropriation for..	699	1924
purchase of land, appropriation for.....	700	1968
transferring prisoners, appropriation for.....	700	1969
window guards on mess hall, appropriation for.....	700	1969
New York State Reformatory at Elmira, appropriation for.....	700	1974
domestic building, etc., appropriation for.....	700	1976
heating plant, repairs, appropriation for.....	703	1998
maintenance, appropriation for.....	699	1934
new buildings and equipment, appropriation for.....	145	322
plumbing in cell block, appropriation for.....	700	1978
New York State Reformatory for Women at Bedford, buildings, repairs and equipment, appropriation for.....	703	1998
farm utensils, appropriation for.....	700	1976
maintenance, appropriation for.....	699	1934
Society for the Reformation of Juvenile Delinquents in the City of New York, maintenance, appropriation for.....	699	1935
repairs and equipment, appropriation for.....	700	1979
steam plant repairs, appropriation for.....	700	1977
Refund of taxes:		
appropriation for.....	699	1939
Regents of the University. See University of the State of New York.		
Register:		
New York county, fees of.....	530	1196

	Chap.	Page
Religious corporations law amended:		
cemeteries and church grounds, removal of remains from, § 8...	324	540
church wardens and vestrymen, vacancies in, § 32.....	46	53
removal of remains from church grounds and cemeteries § 8....	324	500
title to property of extinct church, parish or society, § 15.....	193	411
Rensselaer, city:		
electric railroads in, to issue transfer tickets.....	358	913
fire house, bond issue for.....	580	1305
street pavements, additional bond issue for.....	580	1305
Rensselaer county:		
black and gray squirrels, close season.....	316	587
county detective, appointment of, term of, compensation of.....	140	229
deer, close season, game law amended.....	315	586
deputy treasurer, appointment of.....	166	358
hares and rabbits, close season, game law amended.....	422	958
trout, close season, game law amended.....	424	900
unpaid taxes and assessments, sale of lands for, act amended....	257	496
woodcock, grouse and quail, close season, game law amended....	317	587
Rensselaerwyck rifle range:		
additional land for, acquisition of, appropriation for.....	713	2012
Reply:		
contents of, code of civil procedure amended, § 514.....	431	965
Reports:		
annual report of comptroller, state finance law amended.....	504	1162
annual reports of corporations, stock corporation law amended..	415	951
Resident engineers:		
canal law amended, relative to.....	309	581
Rhodes, Leon C.:		
official acts of, as notary public, legalized.....	540	1229
Richlieu river:		
Lake Champlain, Province of Quebec, transportation of fish caught in, prohibited, game law amended.....	342	616
Richmond county:		
court funds, investment of, by New York city chamberlain.....	282	537
surrogate's court stenographer, exception as to, code of civil procedure amended	570	1235
Riley, John:		
claim of, against city of Troy, hearing and determination of.....	502	1026
River Bridge Company:		
extension of charter.....	353	645
River Improvement Commission:		
Chenango river at Binghamton, plans for improvement of, appropriation for.....	700	1981
Roads. See Highways.		
Robinson memorial library:		
establishment and location of.....	600	1483
Rochester, city:		
assessment upon lands of Rochester State Hospital, payment of, appropriation for.....	693	1857
authorized to acquire and convey certain real property for fire department, etc.....	542	1221
boundaries extended, village of Brighton annexed to, charter amended	134	210

	Chap.	Page.
Rochester, city—Continued:		
bridge over railroad tracks on Bronson avenue, assessment for construction of.....	645	1617
Main street east, assessment for construction of.....	676	1722
charter amended generally.....	686	1820
children's court, creation of, charter amended. § 265.....	543	1222
claim of, against the state, for assessments for local improvements, court of claims to hear and determine.....	595	1468
fire department pension fund, act amended.....	541	1215
local improvements, streets and alleys, charter amended. § 171..	223	447
Miller, Mary J., release to, of escheat property in.....	344	618
Miller, Walter, release to, of escheat property in.....	344	618
ordinances of, charter amended, §§ 43, 44.....	191	407
police pension fund, act amended.....	540	1208
public market, relative to, act amended.....	233	461
school teachers, retirement fund established.....	608	1500
trunk sewer on east side of Genesee river, assessments for, collection of.....	117	177
water funding loan bonds authorized.....	118	178
Rochester State Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1993
deficiency in accounts of treasurer, appropriation for.....	700	1966
payment of assessment upon lands of, appropriation for.....	693	1857
Rockland county:		
deer, close season, game law amended.....	315	586
sheriff, office made salaried, management regulated.....	265	512
Rome city:		
bonds for street improvements authorized.....	13	16
charter revised.....	468	1040
police and fire department fund, charter amended.....	14	17
Rome State Custodial Asylum at Rome:		
buildings, repairs and equipment, appropriation for.....	703	2000
improvements, appropriation for.....	700	1977
maintenance, appropriation for.....	699	1936
Roonan, Richard:		
claim of, against city of New York.....	748	2118
Roosevelt Hospital:		
additional trustees, election of, filling vacancies, act amended....	375	883
Ruffrage, John:		
application of, for redemption of portion of lot 55, Clinton, Clinton county.....	607	1499
Ryan, Thomas:		
claim of, against city of New York.....	748	2118
Sag Harbor, village:		
trustees, authorized to construct and maintain a wharf.....	361	816
St. Ann's Church of Morrisania:		
New York city, comptroller to cancel certain taxes against.....	529	1195
St. Armand, town:		
boundary line established and defined.....	...	2147
St. Joseph's Institution for the Improved Instruction of Deaf-Mutes at Fordham:		
support and instruction, appropriation for.....	699	1938
St. Lawrence county:		
boundary line between Franklin and St. Lawrence counties, locating, appropriation for.....	700	1956
Canton town, increase of election districts in.....	37	41

	Chap.	Page.
St. Lawrence county—Continued:		
supervisors, acts of, relative to improvement of town hall, Oswegatchie, legalized.....	50	60
St. Lawrence river:		
pickerel, pike and muscallonge, close season, game law amended.	420	957
state reservation on, repairing docks and buildings, appropriation for	700	1963
St. Lawrence State Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1963
St. Regis Indians:		
annuities, appropriation for.....	699	1939
attorney, appropriation for.....	699	1940
St. Regis river:		
state dam on, completion of, appropriation for.....	700	1972
Salamanca, town:		
maintenance of indigent Indians, appropriation for.....	700	1981
Salamanca Trust Company:		
accounts of, for taxes paid comptroller, to readjust.....	756	2127
Salamanca, village:		
trustees, authorized to appoint water commissioners.....	272	523
Salem, town:		
union free school district No. 12, acts of, relative to school bonds, legalized	84	117
Salem, village:		
board of education, proceedings of, relative to school bonds, legalized	84	117
Sandsburg creek:		
Ulster county, spearing fish in, game law amended.....	343	617
San Jose scale:		
investigation and extermination of, appropriation for.....	699	1900
Saranac Lake, village:		
improvement of sewer and water systems, bonds for.....	158	347
Saratoga county:		
black and gray squirrels, close season.....	316	587
commissioner of jurors established in.....	102	143
woodcock and grouse, close season, game law amended.....	317	587
Saratoga monument:		
janitor, salary, appropriation for.....	699	1940
maintenance, appropriation for.....	700	1949
Saratoga Society for the Prevention of Cruelty to Children:		
consolidated with the Mohawk and Hudson River Humane Society and the Columbia County Society for the Prevention of Cruelty to Children.....	79	103
Saratoga Springs, town:		
receiver of taxes and assessments, bond of, salary and expenses.	395	923
Saratoga Springs, village:		
act amending charter relative to, duties of sewer, water and street commissioners, repealed.....	399	929
fire commissioner, appointment of, powers and duties of, charter amended	129	191
fire commissioners, terms of office of, terminated.....	129	190

INDEX.

129

Saratoga Springs, village—Continued:	Chap.	Page.
hackmen, cabmen, cartmen, etc., regulations concerning.....	405	940
receiver of taxes and assessments, bond of, salary and expenses.	395	923
sewer, water and street commissioners, powers and duties, charter amended, § 12.....	283	538
Savings and loan associations:		
cooperative, capital and shares, banking law amended.....	604	1490
withdrawal of free shares of, banking law amended, § 176..	757	2128
Savings banks:		
communications from banking department, banking law amended, § 39.....	416	952
deposits of, investment of, banking law amended.....	401	930
examination of, banking law amended.....	394	922
use of the word "savings" by, banking law amended.....	564	1255
Sayre, Walter:		
claim of, against city of New York.....	748	2118
Schenectady, city:		
bonds for purchase of buildings of hospital association.....	230	458
grade crossings, abolishment of, appropriation for.....	700	1973
ninth ward, boundaries, charter amended.....	578	1298
Young Men's Christian Association of, act of incorporation amended	150	331
Schenectady county:		
commissioner of jurors established in.....	102	143
hares and rabbits, close season, game law amended.....	422	958
purchasing agent, appointment of, powers and duties.....	389	907
sheriff, office made salaried, management of, regulated.....	153	336
supervisors, authorized to appoint a purchasing agent.....	389	907
woodcock, grouse and quail, close season, game law amended....	317	587
Schoharie and Schenectady Counties Farmers' Mutual Fire Insurance Association:		
charter amended generally.....	75	94
School commissioners:		
salaries, appropriation for.....	699	1893
School districts:		
changing of, consolidated school law amended.....	258	500
Schools:		
academic fund, appropriation for.....	699	1896
Amsterdam, bonds for new school buildings in city of, legalized..	212	434
Buffalo, school teachers retirement fund, charter amended.....	192	411
commissioners, salaries, appropriation for.....	699	1893
common, support of, appropriation for.....	699	1895
common school fund, appropriation for.....	699	1898
consolidated school law amended relative to changing school districts	258	500
truant schools.....	280	531
Cornwall, Union free school district No. 5, bonds for new school-house legalized	77	100
deaf and dumb, support and instruction of pupils in, appropriations for.....	699	1837
farmers' institutes, lecturers and instructors, appropriation for..	699	1894
maintenance, appropriation for.....	699	1899
Fredonia normal school, astronomical observatory at, appropriation for.....	700	1958
scientific collections, appropriation for.....	700	1958
graduates of law schools, code of civil procedure amended, § 53...	195	414

Schools—Continued:

	Chap.	Page.
Granville, Union free school district No. 7, bonds of, legalized...	12	15
Indian, repairs and improvements, appropriation for.....	700	1957
support of, appropriation for.....	699	1894
New York city, Brooklyn borough, Anniversary day, a public holiday in, charter amended.....	528	1194
New York Institution for the Blind, support and instruction, appropriation for.....	699	1936
New York State School for the Blind at Batavia, appropriation for	700	1974
laundry equipment, appropriation for.....	700	1975
laundry, power house, etc., appropriation for.....	700	1978
bond of treasurer of.....	154	343
heating and plumbing, appropriation for.....	703	1997
maintenance, appropriation for.....	699	1934
New York State Training School for Boys, new buildings for, relative to.....	133	208
New York State Training School for Girls at Hudson, improvements, appropriation for.....	700	1978
improvements, appropriation for.....	703	1998
maintenance, appropriation for.....	699	1934
Normal, Indian education in, appropriation for.....	699	1894
insurance by cities and villages authorized.....	252	489
repairs, equipment, etc., appropriation for.....	700	1957
support and maintenance, appropriation for.....	699	1894
Ogdensburg, repairing and furnishing school buildings.....	245	480
Palmyra, acts of board of education of district No. 1, legalized... public school moneys, withholding of.....	208	430
	280	531
Ramapo, Union free school district No. 7, establishment of, legalized	76	98
Rochester, teachers' retirement fund established.....	608	1500
Salem, Union free school district No. 12, bonds for school improvement legalized.....	84	117
State Industrial School at Rochester, buildings, repairs and equipment, appropriation for.....	703	2000
maintenance, appropriation for.....	699	1935
site and buildings, appropriation for.....	700	1977
State School of Clay Workings and Ceramics, Alfred University, appropriation for.....	699	1938
Syracuse, new high school building in, erection of.....	659	1671
teachers' institutes, maintenance, appropriation for.....	699	1893
teachers' training schools, appropriation for.....	699	1893
maintenance, deficiency, appropriation for.....	700	1957
Thomas Asylum for Orphan and Destitute Indian Children, name changed to Thomas Indian School.....	67	83
Thomas Indian School, new name assumed.....	67	83
visual instruction in, appropriation for.....	699	1892
Schroon, town:		
bonds for bridge over Schroon river legalized.....	189	405
Schwebius, Annie:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463
Schwebius, Philip:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463
Schwendeman, Andreas, deceased:		
heirs-at-law of, escheat property of Frederick Pauss, deceased, in New York city, released to.....	234	463
Schwendeman, Andrew:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463

INDEX.

131

	Chap.	Page.
Schwendeman, August:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463
Schwendeman, Caroline:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463
Schwendeman, Christina Susana:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463
Schwendeman, Louis:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463
Schwendeman, Philip:		
escheat property of Frederick Pauss, deceased, New York city, released to.....	234	463
Scotia, village:		
property of fire department of second school district, Glenville town, transferred to.....	126	187
Sealers of weights and measures:		
delegates to national conference at Washington, expenses, appro- priation for.....	700	1980
Searson, Thomas:		
claim of, against city of New York.....	748	2118
Secretary of State:		
blanks, etc., for general election, appropriation for.....	700	1948
cities of second class, filing certificates of population of.....	501	1160
corporation department, gallery and book cases, appropriation for	700	1948
indexes and clerk hire, appropriation for.....	700	1948
records, binding of, appropriation for.....	700	1948
deputy, expenses of, appropriation for.....	699	1878
expenses for 1904, appropriation for.....	700	1949
salary, appropriation for.....	699	1878
clerks, employees, appropriation for.....	699	1878
election laws, blank books, printing and delivery of, appropria- tion for.....	700	1948
electoral college, expenses, appropriation for.....	700	1948
enumeration of inhabitants of state, duties of, as to.....	83	111
expenses of, appropriation for.....	699	1878
expenses for fiscal year 1905, appropriation for.....	700	1949
financial reports of cities, appropriation for.....	700	1949
inauguration expenses, appropriation for.....	700	1949
indexing land grants, etc., appropriation for.....	700	1948
items of enumeration, filing of election district boundaries, act amended, §§ 3, 10.....	144	319
motor vehicle law, enforcement of, appropriation for.....	700	1949
office expenses, appropriation for.....	699	1878
postage and transportation, appropriation for.....	699	1878
salary, appropriation for.....	699	1878
Shedden, L. L., services as counsel in election cases, appropria- tion for.....	701	1965
Troy Observer, publication of session laws of 1904, appropriation for	700	1949
United States to file proper evidence of purchase of lands for water supply at West Point, in office of.....	15	18
act amended.....	82	108

Secret fraternities:	Chap.	Page.
obtaining by fraud signatures to applications or property for degrees, secrets or membership in, penal code amended.....	366	825
Securities:		
deposits in savings banks, investment of, banking law amended.	401	930
Senate:		
chaplain, appropriation for.....	700	1946
clerk, advances to, for contingent expenses, appropriation for... advances to, for forwarding reports and documents, appropriation for.....	699	1877
contingent expenses, appropriation for.....	700	1947
indexes, appropriation for.....	701	1963
committee on investigation of gas and electric lighting companies in New York city, expenses, appropriation for.....	700	1947
expenses, appropriation for.....	701	1984
engrossing resolutions, appropriation for.....	700	1946
finance committee, extra stenographic and clerical services, appropriation for.....	701	1963
indexing bills, journals and documents, appropriation for.....	699	1879
supplementary index to bills, journals and documents, appropriation for.....	700	1947
Senate house at Kingston:		
keeper, salary, appropriation for.....	699	1940
repairs and maintenance, appropriation for.....	700	1970
Seneca Indian council rock:		
care and preservation of, appointment of commission for.....	69	85
Seneca Indian Council Rock Commission of Brighton, New York:		
appointment, powers and duties of.....	69	85
Seneca Indians:		
annuities, appropriation for.....	699	1939
attorney, appropriation for.....	699	1940
Seneca lake:		
lands formerly under waters of, granted to Geneva city by the state, for park purposes.....	665	1690
Servants:		
corrupt influencing of, penal code amended, § 384-r.....	136	225
Session laws:		
designation of newspapers to publish, county law amended.....	496	1156
publication of, appropriation for.....	18	21
appropriation for.....	699	1926
Sewers:		
sanitary trunk and sanitary outlet, in Westchester county, construction and maintenance of.....	646	1621
Shade trees:		
protection of, appropriation for, town law amended.....	502	1161
Shedden, L. L.:		
services as counsel to the secretary of state in election cases, appropriation for.....	701	1985
Sheedy, Edmund:		
claim of, against city of Troy, hearing and determination of.....	592	1326
Sheriffs:		
Albany county, under sheriff and jail employees, compensation of.	41	47
Livingston county, under sheriffs, deputies and jailor, appointment and compensation of.....	177	374

INDEX

133

	Chap.	Page.
Sheriffs—Continued:		
Ontario county, deputy, fees of, code of civil procedure amended, § 3312.....	304	573
Rockland county, office made salaried, management of regulated..	265	512
Schenectady county, salary of, management of office, regulated..	153	338
transportation of convicts by, appropriation for.....	699	1925
Westchester county, powers and duties of, appointment of assistant clerk.....	88	123
Sidepath commissioners:		
appointment of sidepath police by, act amended.....	605	1492
Sidepath police:		
appointment of, act amended.....	605	1492
Sidewalks:		
village law amended, § 161.....	98	137
Silver Creek, village:		
enlarging water works system, bonds for.....	197	416
Silverware:		
manufacture of spurious silverware, violations of penal code relative to.....	288	547
Sing Sing Prison:		
rebuilding visiting room, appropriation for.....	704	2003
Sisters of Saint Francis:		
Order of, certain lands in Oswego city granted to, for hospital purposes	654	1663
Sloan, village:		
storm-water drain in, Buffalo city to construct.....	647	1639
Smith, Fred D.:		
acts of, as special deputy clerk, Herkimer county, legalized.....	551	1230
Smith, John:		
claim of, against city of New York.....	748	2118
Smith, Zenas B.:		
acts of, as special deputy clerk, Herkimer county, legalized.....	551	1230
Smithville, town:		
fishing through the ice in ponds of, game law amended.....	313	584
Snow owl:		
destroying or robbing nests of, exception as to, game law amended	426	961
Societies:		
unauthorized use of badges, name, insignia, ritual or ceremonies of certain, penal code amended.....	590	1324
Society for Ethical Culture in the City of New York:		
assistant leaders may solemnize marriages, domestic relations law amended	499	1159
Society for the Reformation of Juvenile Delinquents in the City of New York:		
maintenance, appropriation for.....	699	1935
name changed, state charities law amended.....	613	1507
repairs and equipment, appropriation for.....	700	1979
steam plant repairs, appropriation for.....	700	1877
Soldiers:		
deceased, remains of, reinterment of, in soldiers' plots in cemeteries, act amended.....	391	910

	Chap.	Page
Soldiers and sailors:		
hawking, peddling and vending, licenses for, act amended.....	162	352
Soldiers monument corporations:		
membership corporations law amended, relative to, §§ 120, 121..	411	947
Soldiers' plots:		
in cemeteries, payment of certain expenses for, by county, act amended	391	910
Somers, town:		
supervisors to invest moneys received from New York city for lands taken for water supply.....	396	925
Southampton, town:		
Dawson, Ralph A., lands of Elizabeth Dawson, deceased, released to	201	419
Union free school district No. 11, provisions of consolidated school law applied to.....	135	344
Special Assistant Oyster Protector:		
appointment and compensation of, game law amended.....	588	1317
Spencer, Lydia A.:		
escheat property of James Forrest, in Bronx borough, New York city, released to.....	597	1470
Spuyten Duyvil and Port Morris Railroad Company:		
New York city authorized to grant certain lands to.....	584	1312
Squirrels:		
close season in certain counties, game law amended.....	316	587
penalty for taking, game law amended, § 16.....	319	589
Stamps:		
United States or state, forging of, penal code amended, § 517.....	242	478
Standard Trust Company:		
accounts of, for taxes paid comptroller, to readjust.....	756	2127
State Bank of Syracuse:		
payment to, of claim of E. A. Denniston Company, appropriation for	700	1992
State Board of Embalmers:		
licenses for embalming and undertaking, act amended.....	572	1267
State charitable institutions:		
buildings, repairs and improvements, appropriations for.....	703	1997
contracts and estimates by, state charities law amended.....	457	998
Craig Colony for Epileptics at Sonyea, appropriation for.....	700	1974
buildings, appropriation for.....	703	2000
dormitories, furnishings, etc., appropriation for.....	700	1977
maintenance, appropriation for.....	699	1936
estimates and contracts for, to be filed with fiscal supervisor of state charities.....	703	2002
New York House of Refuge at Randall's Island, repairs and equipment, appropriation for.....	703	1999
New York State Custodial Asylum for Feeble-Minded Women at Newark, buildings, improvements, appropriation for.....	703	1999
fire escapes on cottage dormitories, appropriation for.....	700	1975
improvements, appropriations for.....	700	1976
maintenance, appropriation for.....	699	1935
New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw, maintenance, appropriation for	699	1936
pavilion, hospital and equipment, appropriation for.....	700	1978
sewer, appropriation for.....	703	2006

INDEX.

135

State charitable institutions—Continued:

	Chap.	Page.
New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook, dormitory, pavilion, etc., appropriation for.....	700	1977
improvements, etc., appropriation for.....	703	1999
laboratory equipment, appropriation for.....	700	1975
maintenance, appropriation for.....	699	1935
maintenance fund, appropriation for.....	700	1974
New York State Institution for Feeble-Minded Children at Syracuse, appropriation for.....	700	1974
maintenance, appropriation for.....	699	1936
plumbing and repairs, appropriation for.....	703	2000
New York State Reformatory at Elmira, appropriation for.....	700	1974
domestic building, etc., appropriation for.....	700	1976
maintenance, appropriation for.....	699	1934
plumbing in cell block, appropriation for.....	700	1978
steam heating plant, repairs, appropriation for.....	703	1998
New York State Reformatory for Women at Bedford, buildings, repairs, appropriation for.....	703	1997
farm utensils, appropriation for.....	700	1976
maintenance, appropriation for.....	699	1934
New York State School for the Blind at Batavia, appropriation for.....	700	1974
heating and plumbing, appropriation for.....	703	1997
laundry equipment, appropriation for.....	700	1975
laundry, power house, etc., appropriation for.....	700	1978
maintenance, appropriation for.....	699	1934
New York State Soldiers' and Sailors' Home at Bath, boiler room, maintenance fund and repairs, appropriations for..	700	1975
buildings, repairs, appropriation for.....	703	1997
maintenance, appropriation for.....	699	1934
New York State Training School for Girls at Hudson, improvements, appropriation for.....	700	1978
improvements, appropriation for.....	703	1998
maintenance, appropriation for.....	699	1934
New York State Woman's Relief Corps Home at Oxford, cottage for farmer, appropriation for.....	700	1979
improvements, appropriation for.....	700	1976
appropriation for.....	703	1999
maintenance, appropriation for.....	699	1935
plans and specifications for, approval of, by governor, comptroller and president of state board of charities.....	703	2001
purchases by, state charities law amended.....	457	998
Rome State Custodial Asylum at Rome, buildings, appropriation for.....	703	2000
improvements, appropriation for.....	700	1977
maintenance, appropriation for.....	699	1936
Society for the Reformation of Juvenile Delinquents in the City of New York, maintenance, appropriation for.....	699	1935
repairs and equipment, appropriation for.....	700	1979
steam plant repairs, appropriation for.....	700	1977
state architect, to prepare plans and specifications for.....	703	2001
State Industrial School at Rochester, buildings, appropriation for.....	703	2000
maintenance, appropriation for.....	699	1935
site and buildings, appropriation for.....	700	1977
Thomas Asylum for Orphan and Destitute Indian Children at Iroquois, improvements, appropriation for.....	703	1998
maintenance, appropriation for.....	699	1935
name changed to Thomas Indian School.....	67	83
Thomas Indian School, name changed from Thomas Asylum for Orphan and Destitute Indian Children.....	67	83
transfers of inmates of, state charities law amended.....	452	999
traveling library for, establishment and maintenance, appropriation for.....	700	1958

	Chap.	Page.
State charitable institutions—Continued:		
Western House of Refuge for Women at Albion, buildings, repairs, appropriation for.....	703	1997
furnishings, appropriation for.....	700	1978
maintenance, appropriation for.....	699	1934
State charities law amended:		
contracts and estimates by state charitable institutions, § 49.....	457	998
Craig Colony for Epileptics, agent of, transfer of duties of treasurer to, §§ 106, 108.....	459	1003
autopsies at, § 107, subd. 11.....	458	1002
reimbursement for maintenance expenses, § 115.....	459	1003
managers of the Society for the Reformation of Juvenile Delinquents in the city of New York, § 121.....	613	1507
purchases by state charitable institutions, § 48.....	457	998
transfers of inmates of state charitable institutions, § 16-a.....	452	988
State dams:		
Beaver and Moose rivers, commissioners of, powers of.....	382	895
State Engineer and Surveyor:		
boundary line between Franklin and St. Lawrence counties, establishing and marking, appropriation for.....	700	1956
clerks, employees, salaries, appropriation for.....	699	1886
deputy, salary, appropriation for.....	699	1886
traveling expenses, appropriation for.....	699	1886
engineers employed upon ordinary repairs of canals, appropriation for.....	699	1886
highways, improvement of, appropriation for.....	700	1955
improvement of, appropriation for.....	700	1957
in towns under money system, supervision of expenditure of moneys for, appropriation for.....	700	1956
maps, plans and records, filing and storing of, appropriation for..	700	1956
maps showing grants of land under water in certain counties, appropriation for.....	700	1964
office building at Syracuse, improvement of, appropriation for....	700	1956
office expenses, appropriation for.....	699	1886
postage and transportation, appropriation for.....	699	1886
printing field notes and maps, appropriation for.....	700	1955
salary, appropriation for.....	699	1886
stenographers, compensation of, appropriation for.....	700	1956
survey for canal from Seneca lake to Cayuga river, appropriation for	700	1957
surveys and maps, appropriation for.....	700	1955
traveling expenses, appropriation for.....	699	1886
State Fair Commission:		
improvements and repairs, appropriation for.....	720	2019
officers and employees, appropriation for.....	720	2019
premiums at state fair, appropriation for.....	700	1973
State finance law amended:		
comptroller, annual report of, § 4, subd. 6.....	504	1162
depositories of state moneys, security from, article 1, § 8.....	372	876
education fund, § 80.....	587	1316
State fish hatcheries:		
fish eggs, purchase of, by forest, fish and game commission.....	612	1506
State flag:		
desecration or improper use of, penal code amended.....	80	104
desecration or improper use of, penal code amended.....	440	973
State hospitals. See Hospitals.		

INDEX.

137

State Industrial School at Rochester:	Chap.	Page.
buildings, repairs and equipment, appropriation for.....	703	2000
maintenance, appropriation for.....	699	1935
site and buildings, appropriation for.....	700	1977
State Medical Library:		
books, serials and binding, appropriation for.....	699	1990
State moneys:		
banks designated as depositories, security from, state finance law amended, § 8.....	372	876
State Normal College:		
Albany, additional site for, appropriation for.....	716	2016
State printing:		
contractors, qualifications of, state printing law amended, § 15..	760	2137
State Printing Board:		
inspectors to investigate qualifications of contractors, appointment of, by.....	760	2137
State printing law amended:		
qualifications of contractors, inspectors to investigate, § 15.....	760	2137
State Prison for Women:		
buildings, repairs and improvements, appropriation for.....	704	2004
State prisons.		
See Prisons, State.		
State stamps:		
forging of, penal code amended, § 517.....	242	478
State Street Presbyterian Church of the City of Schenectady:		
name changed from The East Avenue Presbyterian Church of the city of Schenectady.....	53	64
State Water Supply Commission:		
establishment of, appointment of, powers and duties.....	723	2022
Staten Island Association of Arts and Sciences:		
incorporation of.....	526	1190
Stationery:		
for public offices, appropriation for.....	699	1882
Statistics:		
agricultural, collection and dissemination of.....	243	478
Statutory Consolidation, Board of:		
appropriation for.....	700	1944
Steam vessels:		
engaging in excursions from cities of over one million inhabitants, construction of.....	306	578
inspection of, appropriation for.....	699	1929
Stein, Phillip:		
claim of, against city of New York.....	748	2118
Stenographers:		
county court, salary of, code of civil procedure amended, § 361..	188	403
supreme court, eighth judicial district, duties and fees of.....	390	908
Kings county, appointment, compensation, code of civil procedure amended.....	616	1510
surrogates' courts in certain counties, appointment and compensation, code of civil procedure amended.....	570	1265

	Chap.	Page
Steuben county:		
hares and rabbits, close season, game law amended.....	422	958
Stock corporation law amended:		
alterations or extension of business, § 32.....	751	2122
annual reports of corporations, § 30.....	415	951
change of number of directors, § 21.....	750	2121
change of place of business, § 59.....	489	1119
lost certificates of stock, order of court relative to, § 51.....	35	30
power to borrow money and mortgage property, § 2.....	745	2113
Stock transfers:		
tax on, tax law amended, article XV added.....	241	474
Street railroad employees:		
protection of, in Kings and Queens counties, railroad law amended	453	990
Subpoenas:		
issue of, by police commissioner of New York city, charter amended	190	377
Subscribers:		
lists of, unlawful taking, copying or use of, penal code amended.	441	975
Suckers:		
spearing and hooking in certain waters, game law amended....	343	617
Suffolk County Mutual Insurance Company:		
charter continued and extended.....	62	74
Sugar beet culture:		
promotion and encouragement of, agricultural law amended, article V.....	759	2133
Sullivan county:		
deer, close season, game law amended.....	315	586
fishing through the ice in certain waters of, game law amended.	313	584
hares and rabbits, close season, game law amended.....	422	958
plank roads and turnpikes, acquisition of, in certain towns....	40	44
squirrels, close season, game law amended.....	316	587
surrogate's court stenographer, exception as to, code of civil procedure amended.....	570	1265
woodcock and grouse, close season, game law amended.....	317	587
Sullivan, J. H.:		
materials furnished by, for armory at Whitehall, appropriation for	700	1967
Sumner Hill, town:		
Fall Brook creek, trout, close season, game law amended.....	424	960
Sunfish:		
fishing through the ice for, in certain waters, game law amended.	313	584
Superintendents of the poor:		
reports from, to state board of charities, relative to children placed in family homes, poor law amended.....	273	524
Superintendents of the poor of the town of Oswegatchie:		
corporation created.....	170	362
Supervisors:		
agricultural information, to be furnished to commissioner of agriculture	243	478
Allegany county, proceedings of, relative to bonds, town of Granger, legalized.....	29	31

Supervisors—Continued:

	Chap.	Page.
assignment of judgments obtained in court of claims by county against the state, county law amended.....	244	479
certain contracts by, with Kings county, legalized.....	407	943
certain towns, may license public hacks, venders and public amusements	249	484
clerks of boards of, in certain counties, compensation of.....	260	502
designation of newspapers to publish session laws by, county law amended.....	496	1156
Essex county, acts of, relative to Schroon bridge bonds, legalized	189	405
fees of, town law amended.....	642	1576
Niagara county, compensation of, county law amended.....	20	22
Oneida county, authorized to issue additional bonds for new courthouse	132	207
attorney of, office created.....	753	2124
Orange county, proceedings of, authorizing issue and sale of road bonds, confirmed.....	39	43
Oswegatchie, town, authorized to issue bonds for town hall improvement	50	60
power of, to tax dogs, county law amended.....	261	504
powers of, to erect public monuments, act amended.....	277	528
Schenectady county, authorized to appoint a purchasing agent..	389	907
Sullivan county, to levy cost of acquiring plank roads and turnpikes	40	44
turnpikes, plankroads and bridges, acquisition of franchises in Onondaga county.....	120	180
Westchester county, certificates of indebtedness to pay temporary loans.....	42	49
consent of, for relief of Kensico cemetery.....	354	646
may authorize towns to borrow money for highway improvements	17	20
publication of certain official notices by.....	138	226

Supreme Court:

appellate division, first department, attendants, salaries of.....	746	2115
fourth department, clerk's assistant, appropriation for.....	699	1874
consultation clerk, appropriation for.....	699	1874
salaries and expenses, appropriation for.....	699	1877
second department, confidential attendants, appointment, compensation of.....	384	898
confidential clerks to justices in, appropriation for.....	699	1876
deputy clerk and attendants, appropriation for.....	699	1876
authorized to hear application for revision of report of Saint Nicholas Park commissioners of appraisal, New York city....	668	1604
confidential clerks to justices, appellate division, second department, appropriation for.....	700	1945
confidential clerks to justices residing in second judicial district, except county of Kings, appropriation for.....	699	1876
confidential clerks to resident trial justices in eighth judicial district, appropriation for.....	699	1876
confidential clerks to resident trial justices in fifth judicial district, appropriation for.....	699	1876
confidential clerks to resident trial justices in sixth and seventh judicial districts, appropriation for.....	699	1876
appropriation for.....	700	1945
first judicial district, attendants, salaries of.....	746	2115
justices, appellate division, second department, appropriation for.....	699	1874
appropriation for.....	700	1944
justices assigned to appellate division, expenses of, appropriation for	699	1875
justices, salaries and expenses, appropriation for.....	699	1874
second judicial district, not residing in Kings county, additional compensation, appropriation for.....	699	1876

	Chap.	Page
Supreme Court—Continued:		
Justices serving as associate judges of court of appeals, appropriation for.....	700	1944
Justices supreme court, appointment of, as referees in first judicial department.....	204	422
Justices, trial, traveling and other expenses, appropriation for...	699	1876
Kings county, stenographers, appointment, compensation, code of civil procedure amended.....	616	1510
Libraries, appellate division, first department, appropriation for..	699	1874
fourth department, books and supplies, appropriation for...	699	1874
librarian, appropriation for.....	699	1874
second department, appropriation for.....	699	1874
third department, appropriation for.....	699	1874
eighth judicial district, Buffalo, appropriation for.....	699	1874
fifth judicial district, Utica, books, appropriation for.....	700	1945
first department, trial terms, appropriation for.....	699	1874
judicial district, appropriation for.....	699	1873
sixth judicial district, Binghamton, books, appropriation for.	700	1945
Elmira, books, appropriation for.....	700	1945
Elmira, librarian, salary, appropriation for.....	119	179
Monroe county, attendants, salary of.....	620	1518
referees, appointment of, in first judicial department, compensation of.....	204	422
reporter, appointment, duties and salary.....	164	353
reporter, salary, clerical help and expenses, appropriation for...	700	1945
reports of, supplying other states, appropriation for.....	699	1940
statutory consolidation, board of, appropriation for.....	700	1944
stenographers additional, third and fourth judicial districts, appropriation for.....	699	1876
eighth judicial district, duties and fees of.....	390	908
except first and second judicial districts, appropriation for..	699	1875
Kings county, appointment, compensation, code of civil procedure amended.....	616	1510
second judicial district, appropriation for.....	699	1875
Supreme Court Reporter:		
appointment, duties and salary of, code of civil procedure amended, §§ 244-250.....	164	353
salary, clerical help and expenses, appropriation for.....	700	1945
Surplus profits:		
estimation of, insurance law amended.....	251	488
Surrogates:		
Dutchess county, surrogate, salary of.....	160	351
Niagara county, surrogate, salary and compensation of.....	410	945
Surrogates' courts:		
Erie county, court officers and attendants, code of civil procedure amended, § 97.....	93	190
Queens county, exception as to stenographer, code of civil procedure amended.....	570	1265
Richmond county, exception as to stenographer, code of civil procedure amended.....	570	1265
stenographers of, in certain counties, appointment and compensation, code of civil procedure amended.....	570	1265
Sullivan county, exception as to stenographer, code of civil procedure amended.....	570	1265
Suspension of sentence:		
code of criminal procedure amended, § 483.....	656	1667
penal code amended, § 12.....	655	1664
Susquehanna river:		
fishing through the ice on, in Chenango county.....	313	584

INDEX.

141

Swinburne island:	Chap.	Page.
quarantine station, improvements, appropriation for.....	741	2107
Syracuse, city:		
armory and stable, new, erection of, appropriation for.....	743	2110
armory, old, sale of, authorized.....	743	2110
assessment for local improvement legalized.....	688	1844
assessments for paving certain streets legalized.....	186	400
bridge over Oswego canal at Willow street, appropriation for....	172	365
certain actions against, relative to.....	682	1747
claim of, against the state, for assessments for local improvements		
court of claims to hear and determine.....	596	1469
finance, department of, relative to.....	681	1745
firemen's pension fund, relative to.....	683	1749
new high school building, erection of.....	659	1671
police pension fund, relative to.....	683	1749
public safety, department of, relative to.....	685	1796
public works, department of, relative to.....	684	1761
ward boundaries, charter amended, § 4.....	185	392
Taxable transfers:		
tax law amended, article X.....	368	827
Tax Commissioners:		
clerks, employees, salaries, appropriation for.....	699	1932
expert appraisers, appropriation for.....	699	1933
expert appraisers, deficiency, appropriation for.....	700	1973
office expenses, appropriation for.....	699	1932
salaries and expenses, appropriation for.....	699	1932
special agents, appropriation for.....	699	1932
Tax law amended:		
advertisement and sale of real estate for unpaid taxes, § 151....	445	981
assessment, time of making, § 20.....	61	73
costs and disbursements in certiorari proceedings, § 254.....	281	536
dismissal of suits or proceedings, § 250-a.....	348	624
exemption of property of certain pharmaceutical societies in		
cities of first class, § 4, sub. 19.....	446	983
expense of publishing notice to redeem from county tax sales,		
article VII, § 159.....	278	529
insurance corporations, franchise taxes, § 187.....	94	131
mortgages, secured by real property, taxation of, article XIV....	729	2059
personal taxes in arrears, proceedings for collection of, dismissal		
of, § 250-a.....	348	624
publication of lists of real property to be sold for unpaid taxes,		
§ 151.....	445	981
redemption of real property stricken from tax rolls, § 152-a		
added.....	447	983
resale of real property sold for taxes, levying of taxes upon,		
§ 50.....	447	983
taxable transfers, article X.....	368	827
transfers of stock, tax on, amount, how paid, etc., article XV		
added.....	241	474
Tax sales:		
Latham, Charles S., comptroller to hear application for cancella-		
tion of.....	95	133
Niagara county, notice of, publication of, expense of.....	152	337
Taxes:		
Attica, village, levy and collection of taxes for certain years,		
legalized.....	213	435
changing system of taxation for working highways.....	108	151
dogs, supervisors may impose tax on, county law amended.....	261	504
franchise taxes of insurance corporations, tax law amended....	94	131

Taxes—Continued:

	Chap.	Page.
Granville, union free school district No. 7, tax levy for purchase of school building confirmed.....	12	15
levying of, upon property sold for taxes, resale of, tax law amended	447	963
Niagara county, notice of sale for unpaid taxes in, publication of.	152	337
Onondaga county, collection of unpaid taxes in, filing statement of	253	490
Oswegatchie, for payment of town hall in, legalized.....	50	60
personal, in arrears, dismissal of proceedings for collection of, tax law amended.....	348	624
poll tax in villages, collection of, village law amended.....	498	1158
refund of, appropriation for.....	699	1939
refunding of liquor taxes on surrender of certificates and to pay judgment	7	9
Rensselaer county, sale of lands for nonpayment of, authorized.	257	496
taxable transfers, tax law amended, article X.....	368	827
transfers of stock, tax law amended.....	241	474
unpaid, real property to be sold for, publication of lists of, tax law amended.....	445	961
Yates county, relief of relative to collection of unpaid taxes....	106	148
Teachers' institutes:		
Chautauqua, appropriation for.....	699	1893
Cliff Haven, appropriation for.....	699	1893
maintenance, appropriation for.....	699	1893
Thousand Island Park, appropriation for.....	699	1893
Telegraph companies:		
service of summons upon, code of civil procedure amended, § 2881.....	211	433
Tenement house act amended:		
fire escapes.....	507	1164
Testamentary letters:		
foreign, authentication of, code of civil procedure amended.....	347	622
Third Franciscan Order, Minor Conventuals:		
incorporation of.....	752	2123
Thomas Asylum for Orphan and Destitute Indian Children at Iroquois:		
improvements, repairs and equipment, appropriation for.....	703	1998
maintenance, appropriation for.....	699	1935
name changed to The Thomas Indian School.....	67	83
Thomas Indian School, The:		
name changed from The Thomas Asylum for Orphan and Destitute Indian Children.....	67	83
Thompson, town:		
authorized to acquire plank roads and turnpikes, bonds for.....	40	44
Thorley, Alfred P.:		
claim of, against city of New York.....	748	2118
Thornton, George H.:		
additional compensation for services as stenographer, cities investigation, 1891, appropriation for.....	700	1980
Thousand Island Park Association:		
trustees, authorized to regulate, construct and repair sidewalks.	385	899
Tioga county:		
woodcock and grouse, close season, game law amended.....	317	587

INDEX.

143

Thoughnioga river:	Chap.	Page.
fishing through the ice in.....	313	584
Title Guarantee and Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Toll bridges:		
across the Delaware river between New York and Pennsylvania, superintendent of public works to report as to acquisition of....	275	526
Tonawanda, city:		
Charter revised:		
title I, boundaries, city, wards.....	357	704
title II, elections, officers, elective, appointive, terms, compen- sation	357	708
title III, vacancies in office.....	357	713
title IV, officers, notices of acceptance, oaths, bonds.....	357	714
title V, mayor, powers and duties.....	357	715
title VI, common council, organization, powers.....	357	717
title VI, common council, official newspaper, designation of..	357	719
title VII, assessors, board of, powers and duties.....	357	720
title VIII, city treasurer, duties of.....	357	725
title IX, city clerk, duties of, deputy clerk.....	357	730
title X, city attorney, other officers, duties.....	357	733
title XI, city court, city judge, jurisdiction.....	357	735
title XII, commissioner of public charities, powers and duties.	357	741
title XIII, raising money for special purposes.....	357	743
title XIV, bonds, issuing of.....	357	745
title XV, contracts, letting of.....	357	747
title XVI, claims against the city, audit of.....	357	747
title XVII, appropriations, salaries and expenditures.....	357	750
title XVIII, taxes, assessment and collection of.....	357	752
title XIX, police board, police force.....	357	765
title XX, public works, board of, powers.....	357	768
title XXI, fire department, how constituted.....	357	785
title XXII, education, board of, how constituted.....	357	787
title XXIII, schools, union school district, boundaries.....	357	786
title XXIII, health, board of, how constituted.....	357	793
title XXIV, streets, pavement of.....	357	793
title XXV, streets, opening or discontinuing.....	357	803
title XXVI, miscellaneous provisions.....	357	807
Tonawanda Indians:		
attorney, appropriation for.....	699	1940
Tonawanda, town:		
not included within boundaries of city.....	357	706
Tortoises:		
taking prohibited, game law amended.....	319	583
Totten and Crossfield's purchase lot No. 104, township 26, Essex county:		
application for cancellation of tax sales on, comptroller to hear and determine.....	623	1521
Town accounts:		
auditing of, town law amended, § 162.....	89	125
Town assessment-roll:		
adoption of, in certain villages, village law amended.....	300	570
Town boards:		
meeting of, for auditing accounts, town law amended.....	89	125
Orleans county, may raise money for rental of Grand Army post rooms	492	1150

	Chap.	Page.
Town boundaries:		
Gouverneur, alteration of.....	...	2150
Macomb, alteration of.....	...	2150
North Elba, established and defined.....	...	2147
St. Armand, established and defined.....	...	2147
Town clerks:		
issuing of transcripts of judgments of justices of the peace by, code of civil procedure amended.....	436	970
of certain towns may license public hacks, venders and public amusements	249	484
Town law amended:		
commissioners of highways, certain towns may abolish office, number of, § 15.....	209	431
shade trees, protection of, appropriation, § 45.....	502	1161
supervisors, fees of, § 178, subd. 3.....	642	1576
town board, meeting of, for auditing accounts, § 162.....	89	125
tree warden, appointment of, § 45.....	502	1161
Town meetings:		
conduct of, in counties having certain population.....	260	502
Town officers:		
Nassau county, compensation of.....	128	189
terms of, in counties having certain population.....	260	502
Towns:		
Bedford, supervisor to invest moneys received from New York city for lands, etc., taken for water supply.....	396	925
Bethel, authorized to acquire turnpikes and plankroads, bonds for	40	44
Brighton, portion of, annexed to Rochester city.....	134	210
Seneca Indian Council Rock commission, town board may appropriate moneys for.....	69	86
Caledonia, payment of salary of policeman of village of.....	409	945
Clinton, lot 55, redemption of portion of, comptroller to hear application for.....	607	1499
Cold Spring, maintenance of indigent Indians, appropriation for.....	700	1981
Colonie, highway on western boundary of Cohoes, maintenance of	55	67
Corinth, Latham, Charles S., application for cancellation of tax sales	95	133
Cornwall, union free school district No. 5, acts of, bonds for new schoolhouse, legalized.....	77	100
Cortlandt, town board authorized to appropriate money for Help- ing Hand Hospital Association of Peekskill.....	263	510
Dannemora, union free school district No. 1, state lands in, to be taxed for school purposes.....	563	1255
Deerfield, changing of channel of the Mohawk river at.....	81	106
Elko, maintenance of indigent Indians, appropriation for.....	700	1981
Fallsburgh, authorized to acquire turnpikes and plankroads, bonds for.....	40	44
Glenville, fire department of second school district abolished....	126	187
Gouverneur, boundary line altered.....	...	2150
Granger, proceedings of town board relative to bond issue, legal- ized	29	31
Granville, bonds of union free school district No. 7, legalized....	12	15
Greenburgh, bonds for road improvement authorized.....	105	146
change of boundaries of election districts.....	413	950
Green Island, surplus funds of, distribution of.....	22	24
Hancock, bonds for iron bridge across Beaverkill river, time of payment of.....	9	11
Herkimer, union free school district No. 1, organization of, bonds of, legalized.....	30	32

Towns—Continued:

	Chap.	Page.
highways between, weeds and brush on, removal of.....	293	556
Islip, may issue bonds for a site and building for town purposes.	482	1007
Lawrence, action of town meeting on proposition to purchase stone crusher and engine, legalized.....	221	446
Lewisboro, supervisor to invest moneys received from New York city for lands, etc., taken for water supply.....	396	925
Liberty, authorized to acquire plankroads and turnpikes, bonds for	40	44
licenses for public hacks, venders and public amusements, in certain	249	484
Louisville, authorized to issue bonds for bridge over De Grasse river	397	926
Macomb, boundary line altered.....	...	2150
Madison, repairing highway, appropriation for.....	700	1972
Madrid, authorized to issue bonds for bridge over De Grasse river	397	926
Mamakating, authorized to acquire plankroads and turnpikes, bonds for.....	40	44
Mexico, grounds and monument on Spy Island, care of, appropriation for.....	700	1981
Middletown, certificates of indebtedness, bonds to retire.....	246	482
Mohawk, administration of justice in, act repealed.....	208	567
Moreau, bonds for new bridge, payment of, legalized.....	99	139
commissioner of highways of, acts legalized.....	99	139
Neversink, authorized to acquire turnpikes and plankroads, bonds for.....	40	44
Newburgh, commissioners of the almshouse of, name changed to commissioners of the home of.....	467	1038
commissioners of the home of, election, terms.....	467	1038
New Castle, supervisor to invest moneys received from New York city for lands, etc., taken for water supply.....	396	925
Newtown, claim of William Booth against, to be determined by comptroller of New York city.....	183	390
Newtown, fire department, chiefs of, act amended.....	268	519
North Castle, property of William Walters, deceased, released to Louisa Walters.....	227	453
North East, fishing through the ice in, game law amended.....	313	584
North Elba, boundary line established and defined.....	...	2147
North Salem, supervisor to invest moneys received from New York city for lands, bridges, etc., taken for water supply.....	396	925
Oneonta, Aurella Osborn Fox Memorial Hospital Society of, appropriation for, by town board, authorized.....	103	144
Onondaga, certain lands in, to be conveyed to Onondaga Chapter, daughters of the American Revolution.....	571	1267
Oswegatchie, bond issue for improving town hall, authorized....	50	60
overseer of the poor, office of, abolished.....	170	362
proceedings for issue of bonds for improvement of town hall in, legalized.....	50	60
superintendents of the poor, appointment of, terms of.....	170	362
overseers in towns under money system, highway law amended..	672	1701
Palmyra, school district No. 1, board of education, acts of, legalized	208	430
Pelham, new town hall, site for, construction of, bonds for.....	254	491
public monuments in, erection of, powers of supervisors relative to	277	528
Pulteney, town board may consolidate election districts.....	408	944
Ramapo, Union free school district No. 7, establishment of, acts of, bonds of, legalized.....	76	98
removal of obstructions caused by snow in towns under money system, highway law amended.....	672	1701
St. Armand, boundary line established and defined.....	...	2147

Towns—Continued:

	Chap.	Page.
Salamanca, maintenance of indigent Indians, appropriation for...	700	1981
Salem, Union free school district No. 12, acts of, relative to school bonds, legalized.....	84	117
Saratoga Springs, receiver of taxes and assessments, bond of, salary and expenses.....	395	923
Schroon, bonds for bridge over Schroon river legalized.....	189	405
shade trees, protection of, appropriation, town law amended.....	502	1161
Somers, supervisor to invest moneys received from New York city for lands, bridges, etc., taken for water supply.....	396	925
Southampton, Dawson, Ralph A., lands of Elizabeth Dawson, deceased, released to.....	201	419
Union free school district No. 11, provisions of consolidated school law applied to.....	155	344
superintendents, fees of, town law amended.....	642	1576
Thompson, authorized to acquire turnpikes and plank roads, bonds for.....	40	44
Tonawanda not included within boundaries of city.....	357	706
tree warden, appointment of, town law amended.....	502	1161
Waddington authorized to issue bonds for bridge over De Grasse river	397	928
Waterford, fire district, boundaries of, act amended.....	63	75
Watervliet, westerly boundary of, act amended.....	55	67
Wawarsing, overseers of the poor, powers and duties of, compensation, poor districts.....	127	188
Union free school district No. 2, state lands in, to be taxed for school purposes.....	562	1254
White Plains, appropriation for White Plains Hospital Association	115	167
Yorktown, supervisor to invest moneys received from New York city for lands bridges, etc., taken for water supply.....	396	925
Trade lists:		
unlawful taking, copying or use of, penal code amended.....	441	975
Transfer tickets:		
issue of, on electric railroads in Albany and Rensselaer cities....	358	813
Transfers:		
inmates of state charitable institutions, transfer of.....	452	988
Transfers of stock:		
tax on, tax law amended, article XV added.....	241	474
Transportation corporations law amended:		
water works corporations, laying of water pipes by, § 82, subd. 2.	210	432
Treasurer, State:		
clerks, employees, appropriation for.....	700	1953
salaries, appropriation for.....	699	1882
deputy, expenses of, appropriation for.....	699	1883
salary, appropriation for.....	699	1882
expenses of, appropriation for.....	699	1883
office expenses, appropriation for.....	699	1883
postage and transportation, appropriation for.....	699	1883
salary, appropriation for.....	699	1882
Tree warden:		
appointment of, town law amended.....	502	1161
Trees:		
protection of shade trees, town law amended.....	502	1161
Trout:		
Allegany county, close season, game law amended.....	424	960
close season, game law amended, § 40.....	196	415

INDEX.

147

Trout—Continued:	Chap.	Page.
close season for sale of, game law amended.....	425	961
close season, special, in certain counties, game law amended....	424	960
Genesee river, Allegany county, close season, game law amended.	424	960
Troy, city:		
claims of certain school janitors, board of estimate and appor- tionment to hear and determine.....	592	1326
commissioner of public works, powers and duties of, relative to public improvements.....	350	625
firemen's pension fund, establishment of.....	488	1114
municipal improvements commission, act repealed.....	351	635
payment of floating indebtedness and fund deficiencies, bonds for	130	200
Prospect park, improvement of, bonds for.....	350	625
public improvements in, provision for, bonds for.....	350	625
water works, filtering plant, bonds for.....	350	625
Troy Observer:		
publication of session laws of 1904 by, appropriation for.....	700	1949
Truant schools:		
consolidated school law amended, § 9.....	290	531
Truants:		
arrest of, by attendance officers, compulsory education law amended	311	582
Trust companies:		
amount which a trust company may loan, banking law amended, § 25.....	456	995
communications from banking department, banking law amended, § 39.....	416	952
directors of, semi-annual examination by, banking law amended, § 21-a.....	418	954
examination of, banking law amended.....	394	922
powers of, banking law amended, § 156.....	414	951
reports of, banking law amended.....	297	564
Trust Company of America:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
Trustees of the Eastern Star Hall and Home of the State of New York:		
incorporation of.....	159	348
Tuberculosis:		
destruction of animals having, compensation for, agricultural law amended.....	167	359
Tuckahoe, village:		
bond issue for street improvements, legalized.....	50	68
Turnpikes:		
See Highways.		
Turtles:		
taking, prohibited, game law amended.....	319	589
Ulster county:		
assessment of certain lands in.....	598	1471
spearing fish in, game law amended.....	343	617
woodcock, grouse and quail, close season for, game law amended.	317	587
Unadilla river:		
fishing through the ice on, in Chenango county.....	313	564

Uniforms:	Chap.	Page.
for national guard and naval militia, military code amended....	817	1511
Union Agricultural and Horticultural Society, Trumansburg:		
reimbursement of, for premiums paid in 1903, appropriation for..	701	1985
Union free school districts:		
academic fund, appropriation for.....	699	1896
Cornwall, No. 5, acts of, bonds for new schoolhouse in, legalized..	77	100
Dannemora, town, No. 1, state lands in, to be taxed for school purposes	563	1255
Granville, No. 7, bonds of, legalized.....	12	15
Herkimer, No. 1, organization of, issue of bonds by, legalized...	30	32
Ramapo, No. 7, establishment of, acts of, bonds of, legalized...	76	98
Salem, No. 12, acts of, relative to school bonds, legalized.....	84	117
Southampton, No. 11, provisions of, consolidated school law applied to.....	155	344
Wawarsing, town, No. 2, state lands in, to be taxed for school purposes	562	1254
Union Theological Seminary in the City of New York:		
limitation of amount of personal property held by, increase of, charter amended.....	71	90
United States:		
conveyance of lands to, in late town of Southfield, Richmond county	240	473
war department, sale of military equipment to, by adjutant-general	11	13
West Point, sale of lands at, to United States for water supply..	15	18
act amended.....	82	108
United States Coast and Geodetic Survey:		
operations of, in the state of New York.....	380	893
United States deposit fund:		
appropriation for.....	699	1898
United States flag:		
desecration or improper use of, penal code amended.....	90	104
penal code amended.....	440	973
United States Military Reservation at West Point:		
water supply, purchase of lands by United States for.....	15	18
act amended.....	82	108
United States Mortgage and Trust Company:		
accounts of, for taxes paid, comptroller to readjust.....	756	2127
United States stamps:		
forging of, penal code amended, § 517.....	242	478
Universalists, New York State Convention of:		
authorized to convey real estate in Bronx borough, New York city..	302	572
real estate, transfers of, by.....	48	56
University law amended:		
Regents, quorum of, number constituting, § 7.....	161	351
University of Buffalo:		
curator of medical department, office abolished.....	558	1235
University of the State of New York:		
Regents, quorum of.....	161	351
Utica, city:		
bonds for changing channel of the Mohawk river at, authorized..	81	106
bookkeeper for treasurer of.....	301	571
drainage system, extension of, bonds for.....	480	1094
new courthouse, completion of, bonds for.....	132	206

INDEX.

149

Utica State Hospital:	Chap.	Page.
buildings, repairs and improvements, appropriation for.....	702	1900
Van Housen, Edwin G.:		
acts of, as special deputy clerk, Herkimer county, legalized.....	551	1230
Venders:		
licenses of, in towns having more than three thousand inhabitants.	240	484
Vessels:		
fees for inspection of, navigation law amended.....	350	814
Vestrymen:		
religious corporations law amended relative to filling vacancies..	46	58
Village law amended:		
crosswalks and sidewalks, § 161.....	98	137
elections	290	552
garbage and ashes, disposition of, § 88, subd. 25.....	500	1159
hose companies, organization of, membership of, § 202.....	220	445
municipal boards, number of members, relative to, § 67.....	66	82
payment of expenses of incorporation, § 25.....	404	939
poll tax, collection of, enforcement of, § 103.....	498	1158
town assessment-roll, adoption of, § 104.....	300	570
Villages:		
Albion, charter amended generally.....	205	424
Alfred, bonds for constructing water works system legalized.....	4	4
annual elections in, when held.....	290	552
Atica, assessors, trustees, collector, acts of, relative to taxes and assessments, legalized.....	213	435
Babylon, railroad in, location of tracks, motive power.....	174	360
Ballston Spa., sewer system in, construction of, bonds for.....	369	847
Batavia, charter amended generally.....	116	168
Bath, funds of, how raised, charter amended.....	121	182
Brighton, annexed to city of Rochester.....	134	210
Brighton, Citizens' fire company, members of relief of.....	560	1253
Brockport, water works system in, authorized.....	146	324
Caledonia, policeman, payment of salary, by town of Caledonia...	409	945
Canandaigua, charter amended generally.....	371	852
St. John's church of, endowment fund of.....	139	228
taxation and assessments, charter amended.....	6	7
treasurer, office of, charter amended.....	6	7
Clinton, special election confirmed, electric light system, bond issue authorized.....	57	69
Cooperstown, charter amended, §§ 25, 26, title 4.....	141	230
Ellenville, bond issue for dyke along Beerkill creek.....	216	438
expenses of incorporation, payment of, village law amended, § 25..	404	939
Fonda, bonds for paving certain streets in, legalized.....	38	42
Fort Plain, reimbursement of, for paving approaches to lift bridges, appropriation for.....	700	1972
Fredonia, elective and appointive officers of, relative to.....	21	24
garbage and ashes, disposition of, village law amended.....	500	1159
Goshen, bonds for improvement of water supply legalized.....	1	1
having over three thousand inhabitants, annual report of financial condition to state comptroller.....	705	2005
Hoosick Falls, special election on proposition to erect village building, legalized.....	219	444
Ilion, bonds for improving electric light plant, legalized.....	5	6
Kenmore, planting shade trees in, petition of property holders for	16	19
Kinderhook, boundaries, charter amended.....	64	76
Lestershire, frontage tax for water purposes, authorized.....	140	328
Little Valley, electric light bonds legalized.....	169	361

Villages—Continued:

	Chap.	Page.
Lyons, disorderly persons.....	289	550
Mechanicville, elections, qualifications of voters on tax propo- sitions	34	37
fire alarm telegraph system, ordinances relating to, charter amended	400	929
garbage and refuse matter, removal of.....	101	142
inspectors of election, appointment of, charter amended....	274	525
Medina, acquisition of waterworks system, bonds for.....	194	413
Mohawk, proceedings relative to improving water and lighting systems, legalized.....	72	90
special election in, relative to improving water and lighting systems, legalized.....	72	91
Montour Falls, special election relative to excavation of Cather- ine creek, legalized.....	59	70
Mount Morris, trustees, powers of, charter amended, §§ 32, 33..	214	436
Newark, proceedings for purchase of waterworks, legalized; bonds for, authorized.....	179	376
Normal schools, insurance of, by, authorized.....	252	480
Oneonta, sewers, streets, sidewalks, improvement of, charter amended	406	941
Painted Post, river commissioners, appointment and acts of, confirmed	45	52
Patchogue, custody and disposition of receipts collected from foreign fire insurance companies.....	448	986
Peekskill, publication of statement of expenditure of moneys, charter amended.....	398	928
subways for public service wires, charter amended.....	511	1169
water commissioners authorized to issue bonds for new water main.....	408	937
poll tax in, collection, village law amended, § 103.....	498	1158
Port Chester, charter amended generally.....	606	1498
reincorporation of certain, under the village law, legalized.....	250	501
Sag Harbor, trustees authorized to construct and maintain a wharf	361	816
Salamanca, trustees authorized to appoint water commissioners.	272	523
Salem, board of education, proceedings of, relative to school bonds, legalized.....	84	117
Saranac Lake, improvement of sewer and water systems, bonds for	158	347
Saratoga Springs, act amending charter relative to duties of sewer, water and street commissioners, repealed.....	390	929
fire commissioner, appointment of, powers and duties of, charter amended.....	129	191
fire commissioners, terms of office of, terminated.....	129	190
hackmen, cabmen, cartmen, etc., regulations concerning....	405	940
receiver of taxes and assessments, bond of, salary and expenses	395	923
sewer, water and street commissioners, powers and duties, charter amended.....	283	538
Scotia, property of fire department of second school district, Glenville, town, transferred to.....	128	187
Silver Creek, enlarging waterworks system, bonds for.....	197	416
Sloan, storm-water drain in, Buffalo city to construct.....	647	1630
town assessment-roll in certain, adoption of.....	300	570
Tuckahoe, bond issue for street improvements, legalized.....	56	68
Weedsport, bond issue authorized.....	402	937
White Plains, assessor, appointment and compensation.....	619	1516
certificates of indebtedness, bonds for, authorized.....	147	325
public library, site for, bonds for, maintenance of.....	148	326
trustees to appoint an assessor.....	619	1516

Waddington, town:

bridge over De Grasse river, issue of bonds for.....	397	926
--	-----	-----

INDEX.

151

	Chap.	Page.
Wages:		
actions for recovery of, by married women, domestic relations law amended, § 30.....	495	1155
Walters, Louisa:		
property of William Walters, deceased, in town of North Castle, released to.....	227	453
Walters, William, deceased:		
property of, in town of North Castle, released to Louisa Walters.	227	453
Warrants:		
of any other state, state authorized to accept.....	388	906
Warren county:		
trout, close season, game law amended.....	424	960
Washington county:		
trout, close season, game law amended.....	424	960
Washington Trust Company:		
accounts of, for taxes paid comptroller, to readjust.....	756	2127
Washington's Headquarters at Newburgh:		
care and maintenance, appropriation for.....	699	1940
Water commissioners:		
new assessments, drainage law amended.....	325	600
Water Supply Commission:		
establishment of, appointment of.....	723	2022
Water works corporations:		
laying of water pipes by, transportation corporations law amended	210	432
Waterford, town:		
fire district, boundaries of, act amended.....	63	75
Watertown, city:		
board of education, money to be raised for use of, charter amended	486	1111
certificates of indebtedness, authorized to issue.....	466	1037
charter, certain sections amended.....	485	1102
current municipal expenses, authority to borrow money for.....	466	1037
Watertown and Carthage Traction Company:		
extension of time to complete road.....	307	579
Watervliet, city:		
compensation of city officers, charter amended.....	131	203
organization of common council, charter amended.....	131	204
Watervliet, town:		
westerly boundary of, act amended.....	55	67
Wawarsing, town:		
overseers of the poor, powers and duties of, compensation, poor districts	127	188
union free school district No. 2, state lands in, to be taxed for school purposes.....	562	1254
Weeds and brush:		
on highways forming town boundaries, removal of, highway law amended	293	556
Weedsport, village:		
bond issue authorized.....	402	937

	Chap.	Page
Westchester county:		
acquisition of water rights in, limitation on.....	738	2100
deer, close season, game law amended.....	315	599
Greenburgh, change of boundaries of election districts in town..	413	950
grouse, close season, game law amended.....	317	597
sanitary trunk sewer and sanitary outlet sewer in, construction and maintenance of.....	646	1621
sheriff, powers and duties of, appointment of assistant clerk....	88	123
statements of canvass and election notice, publication of.....	137	226
supervisors, consent of, for relief of Kensico cemetery.....	354	646
may authorize issue of certificates of indebtedness to pay temporary loans.....	42	49
may authorize towns to borrow money for highway improvements	17	20
of certain towns to invest moneys received from New York city for lands taken for water supply.....	396	925
publication of certain official notices by.....	138	226
Western House of Refuge for Women at Albion:		
buildings, repairs and equipment, appropriation for.....	703	1997
furnishings, appropriation for.....	700	1978
maintenance, appropriation for.....	699	1984
Western New York Institution at Rochester for the Improved Instruction of Deaf-Mutes:		
support and instruction, appropriation for.....	699	1938
West Point:		
sale of lands to United States for water supply for military reservation at.....	15	18
act amended.....	82	106
Whalen, Patrick:		
claim of, against city of New York.....	748	2118
White Plains Hospital Association of White Plains:		
appropriation for, by town board.....	115	167
White Plains, town:		
White Plains Hospital Association, appropriation for.....	115	167
White Plains, village:		
assessor, appointment and compensation.....	619	1516
certificates of indebtedness, bonds for, authorized.....	147	325
public library, site for, bonds for, maintenance of.....	148	328
trustees, authorized to appoint an assessor.....	619	1516
Wild birds:		
nests of, protection of, game law amended.....	426	961
Willard State Hospital:		
buildings, repairs and improvements, appropriation for.....	702	1991
Wills:		
foreign, authentication of, code of civil procedure amended....	347	622
probate of, code of civil procedure amended.....	438	972
witnesses to, examination of, code of civil procedure amended..	615	1509
Women:		
married, rights of, action for wages, etc., domestic relations law amended	495	1155
Wood alcohol:		
adulteration of food with, agricultural law amended.....	100	140
use of, for adulterative purposes, prohibited, public health law amended	122	183

INDEX.

153

	Chap.	Page.
Woodcock:		
close season in certain counties.....	317	587
close season, number taken by one person, game law amended..	338	613
not to be sold, game law amended.....	335	611
selling of, in Orange county, game law amended.....	340	615
taking of, in Orange county, game law amended.....	341	615
Wood, Rinaldo L.:		
acts of, as special deputy clerk, Herkimer county, legalized.....	551	1230
Woods, Peter:		
claim of, against city of New York.....	748	2118
Worth, Fred:		
claim of, against city of New York.....	748	2118
Worthington, Smith and Company:		
claim of, against New York city, audit of.....	346	620
Wright, J. Hood, Hospital:		
assessments against property of, cancellation of.....	198	417
Yates county:		
collection of unpaid taxes for certain years in.....	106	146
sale of lands for unpaid taxes.....	106	146
Yonkers, city:		
bond issue for highway purposes, authorized.....	294	557
bonds for bridges over water courses, act amended.....	487	1113
common council, powers of, charter amended.....	538	1207
public library, appropriation for, charter amended.....	218	448
Yorktown, town:		
supervisors to invest moneys received from New York city for lands taken for water supply.....	396	923
Young Men's Christian Association of the City of Schenectady:		
act of incorporation amended.....	150	331
Young Men's Christian Associations:		
membership corporations law amended.....	320	591
Young Women's Christian Associations:		
membership corporations law amended.....	320	591

